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Strasbourg, 15/07/2024

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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Support for a better evaluation of the result of judicial reform efforts in the Eastern Partnership "Justice Dashboard EaP" Action

Data collection: 2023

Report prepared by the CEPEJ for the attention of the European Commission

Part 2 (A) - Beneficiary profile - Ukraine

Executive Summary - Ukraine in 2023

Population in 2023

GDP per capita in 2023

Average annual salary in 2023

5 293 €

EaP Average: 6 785 €

Judicial Organisation

In Ukraine, there is a three-tier court system, including general jurisdiction courts (612 in total) and specialised jurisdiction courts (65 in total). Specialised courts deal with commercial and administrative matters (both in first and higher instance). The system also includes the High Anti-corruption Court and the High Court on Intellectual Property.
The judicial map was changing considerably over 2022-2023, after the full-scale military aggression by the Russian Federation and, consequently, in view of jurisdictions transfers approved by authorities.

Budget

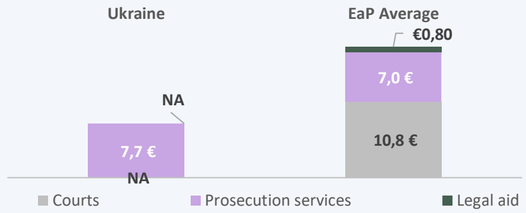
Given that only data on the implemented budget for prosecution services was reported for 2023, the analysis herein is partial and no analysis for Judicial System Budget is possible. In 2023, the budget for prosecution per inhabitant decreased by 21,4% compared to 2022. Per inhabitant, the implemented budget for prosecution services (7,7€) is higher than the EaP Average (7€) in 2023.

Legal Aid

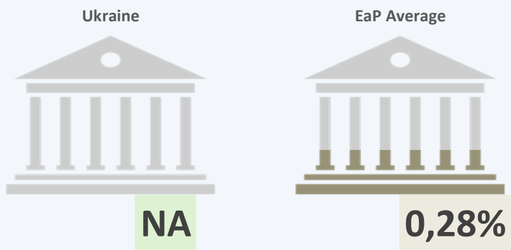
The Legal Aid Bureau is an all-Ukrainian network of points of access to legal aid, active dissemination of legal information and access to legal advice at community level. For 2023, no data was available for the implemented budget for legal aid for Ukraine.
In 2023, legal aid was granted in 669 045 cases, which is -4,4% less compared to 2018. The majority of cases appear to be in other than criminal cases (563 654). From the category of cases brought to court, the majority are criminal cases (105 391). The total number of legal aid cases per 100 inhabitants is 1,63, considerably above the EaP Median in 2023.

Budget of the Judicial System

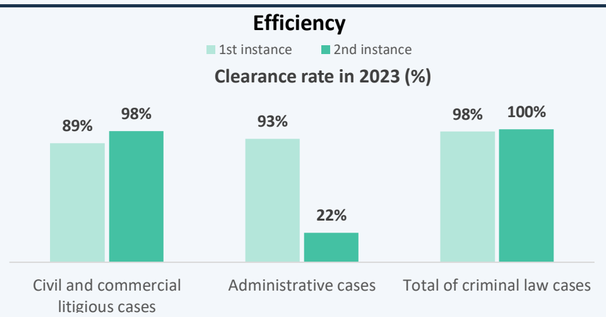
Implemented Judicial System Budget per inhabitant in 2023

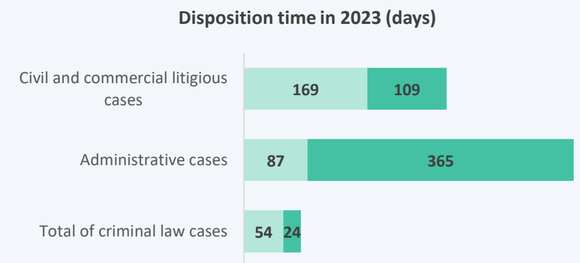


Implemented Judicial System Budget as % of GDP in 2023



Efficiency





Efficiency

On 22 February 2022, due to the invasion of Ukraine by Russian Federation, a martial law was introduced throughout the country. The judiciary, like other legal institutions, had been affected by the war and had to make adjustments to the judicial process. Thus, the analysis of the 2023 and 2022 case-flow data for Ukraine needs to consider the infrastructure damage, especially to courthouses. Moreover, there was limited ability to collect and analyse data comprehensively. Staffing shortages have hindered data collection efforts that adhere rigorously to the CEPEJ methodology. Nevertheless, some analysis was possible.

In 2023, there were **increases in the number of pending cases at the end of the year in all categories of cases, more prominently in first instance civil and commercial litigious cases (15,9%), administrative cases in both instances (12,5% each) and total criminal law cases in first instance (12,1%)**. In 2023, the **highest Clearance rate** (CR) for Ukraine appears to be in the second instance total Criminal law cases (100%). However, it seems that Ukraine was not able to deal as efficiently with the **second instance Administrative cases** (CR of 22%). With a **Disposition Time** of approximately 24 days, the second instance total Criminal law cases appear to have been resolved faster than any other type of cases. The DT in administrative cases (87 days) and total criminal cases (54 days) in first instance appears considerably below the EaP respective averages in 2023. In second instance, the DT in administrative cases (365 days) appears considerably above the EaP Average for 2023.

In Ukraine there are quality standards determined for the judicial system at national level. There is also reportedly a system to regularly evaluate court performance based on a list of monitored indicators and it is to be done more frequently than once a year.

**The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.
Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of the pending cases) and, as a consequence, the number of pending cases decreases.
Disposition Time (DT) is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

ICT Deployment indeces (scale 0-10)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.

ICT indices

In Ukraine, the overall maximum score among the three ICT indexes is achieved by the CMS index (5,7); while overall lowest score was calculated for the Courts decisions DB index (1,8). All matters have the same scores for the CMS index (5,7), Statistical tools index (5,3) and court decisions database (1,8). In Ukraine, there is an overall Information and Communication Technology (ICT) strategy in the judicial system and there were reportedly plans for a significant change in the IT system in the judiciary in 2023. In 2023, there were 3 case management systems (CMS) operating in the judiciary, which have been developed more than 10 years ago.

Trainings

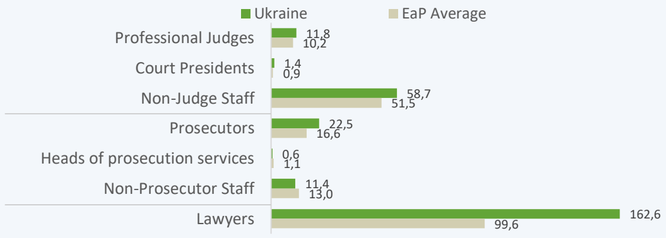
Due to data unavailability, it is not possible to analyse the budget for training of judges and prosecutors per inhabitant in 2023. In 2023, 43 128 participants (of which 9 659 judges and 6 659 prosecutors) were trained in 749 live trainings (in-person, hybrid or video conferences). There were 14 596 participants in internet-based trainings. Thus the participation in live trainings is higher than the participation in internet-based trainings. In Ukraine, each judge participated, on average, to 2 live trainings in 2023, which was below the EaP Average (2,6) while each prosecutor participated, on average, to 0,7 live trainings, less than the EaP Average (1,8). Regarding the internet-based trainings (not-live), 82 trainings in total were provided on the e-learning platform of the training institution for judges and prosecutors (14 596 total participants). The data on trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.) was reported as NA.

ADR (Alternative Dispute Resolution)

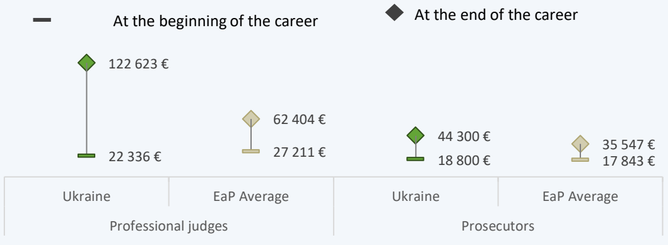
Courts in Ukraine are obliged to inform the parties about the possibility to have recourse to mediation. The court-related mediation is however not mandatory. Legal aid is reportedly available for court-related mediation. Data was not available for 2023 on the number registered mediators and the number of court-related mediation cases to enable an analysis thereof.

Professionals of Justice

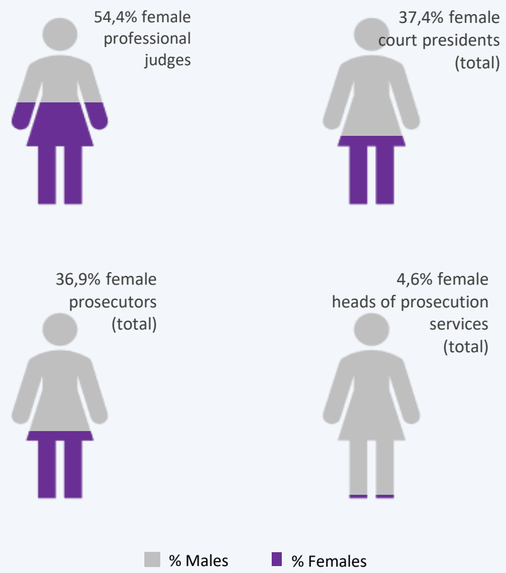
Total number of professionals per 100 000 inhabitants in 2023



Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



Gender Balance



Professionals and Gender balance

In 2023, Ukraine had **11,8 professional judges** per 100 000 inhabitants and **22,5 prosecutors** per 100 000 inhabitants. Both figures were above the EaP Average of 10,2 and 16,6, respectively. In 2023, there were **162,6 lawyers per 100 000 inhabitants** (which is significantly above the EaP Average of 99,6).

In Ukraine there were **54,4% female professional judges**, which is higher than the EaP Average (43,1%), and 36,9% **female prosecutors** (again higher than the EaP Average 27,5%). 37,4% **of court presidents** were women and there were only 4,6% female **heads of prosecution services**. The gender-disaggregated data for non-judge staff was not available for 2023. **Non-prosecutor staff** have 69,4% female presence, slightly above the EaP average of 64% in 2023.

ECHR

In 2023, there were 2 531 (617 more than the previous year) applications allocated to a judicial formation for Ukraine. There were 123 judgements by the ECHR finding at least one violation for Ukraine (vs 141 judgements in 2022). There were 75 cases considered as closed after a judgement of the ECHR and the execution of judgements process in 2023 (67 cases in 2022).

In Ukraine there is a possibility to review a case after a decision on violation of human rights by the ECtHR. There is a monitoring system for violations related to Article 6 of the European Convention of Human Rights for civil, administrative and criminal procedures.

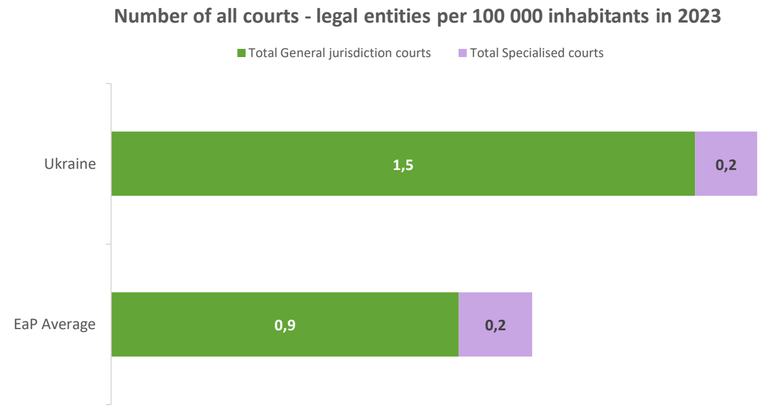
Judicial organisation in Ukraine in 2023 (Indicator 2.0)

In Ukraine, there is a three-tier court system, including general jurisdiction courts (612 in total) and specialised jurisdiction courts (65 in total). Specialised courts deal with commercial and administrative matters (both in first instance and higher courts). The High Anti-corruption Court and the High Court on Intellectual Property exist as separate high instance courts.

The judicial map changed considerably over 2022-2023. The full-scale military aggression by the Russian Federation, which began on 24 February 2022, and the significant damage to critical infrastructure it caused, affected the functioning of the judiciary in Ukraine in general and, in particular, the administration of justice by local and appellate courts. During 2022, the territorial jurisdiction of 135 local and appellate courts was changed (transferred) by orders of the Chief Justice of the Supreme Court due to the inability to administer justice under martial law, and the territorial jurisdiction of 50 local and appellate courts was restored. As of the end of 2022, the territorial jurisdiction of 169 local and appellate courts was changed (transferred) (including courts whose jurisdiction was transferred during the war, in the period from 2014 to 2022 – 84 local and appellate courts of the Autonomous Republic of Crimea, Donetsk and Luhansk oblasts), which was more than 22 percent or more than a fifth of the total number of local and appellate courts, as estimated by the Ukrainian authorities during the data collection for this Report.

• Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		677	1,7	1,0
General jurisdiction	Total General jurisdiction courts (1)	612	1,5	0,9
	1st instance	587	1,4	0,8
	2nd instance	24	0,1	0,1
	Highest instance	1	0,0	0,0
Specialised courts	Total Specialised courts (2)	65	0,2	0,2
	1st instance	50	0,1	0,2
	Higher instance	15	0,0	-



The number of courts in 2023 does not include appellate, specialized and local general courts located in the occupied territory: the Autonomous Republic of Crimea, Donetsk region, Luhansk region. The decision of the High Council of Justice and the orders of the Supreme Court determined the list of courts whose territorial jurisdiction was changed due to the inability to administer justice under the martial law.

In respect of the **Supreme Court**: In 2016, after the Verkhovna Rada of Ukraine adopted amendments to the Constitution and the new Law of Ukraine "On the Judicial System and Status of Judges," a new Supreme Court was established as the highest court in the Ukrainian judicial system. The "Supreme Court" began its operations in 2017. At the same time, the process of liquidating the former "Supreme Court of Ukraine" is still underway. The acting President of the Supreme Court of Ukraine Justice V. Humeniuk published a letter on behalf of the judges of the Supreme Court of Ukraine, in which they expressed disagreement with the liquidation of the Court, because, in their opinion, the Constitution of Ukraine only refers to the renaming of the body, not its liquidation. Later, this position was confirmed by the Constitutional Court of Ukraine, noting that only the name of the body was changed, not its liquidation. Therefore, as of 2022 (and even 2023), there are two Supreme Courts - the destiny of the Supreme Court of Ukraine was unknown at the date of this Report. At the same time, there is only one operating Supreme Court, and the Supreme Court of Ukraine is not reviewing cases.

• Specialised courts

Specialised courts in 2023	First instance	Higher instances
Total number of specialised courts - legal entities	50	15
Commercial courts (excluded insolvency courts)	25	6
Insolvency courts	NAP	NAP
Labour courts	NAP	NAP
Family courts	NAP	NAP
Rent and tenancies courts	NAP	NAP
Enforcement of criminal sanctions courts	NAP	NAP
Fight against terrorism, organised crime and corruption	NAP	NAP
Internet related disputes	NAP	NAP
Administrative courts	25	7
Insurance and / or social welfare courts	NAP	NAP
Military courts	NAP	NAP
Juvenile courts	NAP	NAP
Other specialised courts	NAP	2

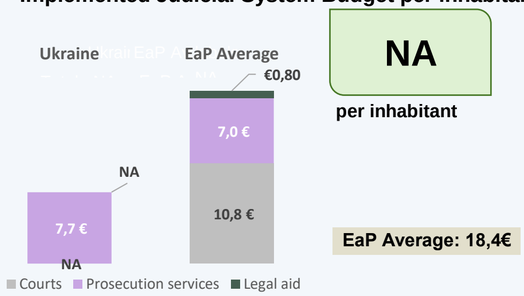
Other higher instance courts include: the High Anti-corruption Court and the High Court on Intellectual Property.
Higher instances Administrative courts:
First Administrative Court of Appeal (Kramatorsk), Second Administrative Court of Appeal (Kharkiv), Third Administrative Court of Appeal (Dnipro),Fourth Administrative Court of Appeal (Kherson), Fifth Administrative Court of Appeal (Odesa), Sixth Administrative Court of Appeal (Kyiv), Seventh Administrative Court of Appeal (Vinnytsia), Eighth Administrative Court of Appeal (Lviv). The Fourth Administrative Court of Appeal (Kherson) is not working as it is under occupation.

• Number of courts - geographic locations

Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total number	677	1,7	1,4
1st instance courts	637	1,6	1,3

Budget of the judicial system in Ukraine in 2023 (Indicator 1)

Implemented Judicial System Budget per inhabitant

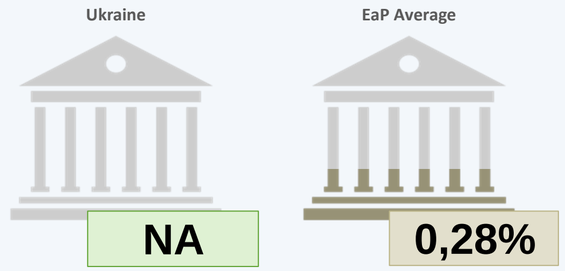


NA

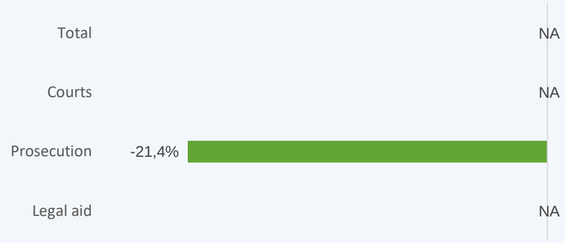
per inhabitant

EaP Average: 18,4€

Implemented Judicial System Budget as % of GDP



Variation of the JSB per inhabitant between 2022 - 2023



JSB = Judicial System Budget

The Judicial System Budget (JSB) is composed of the budgets for courts, public prosecution services and legal aid. Given that only data on the implemented budget for prosecution services was reported, the analysis herein is partial and no analysis for JSB is possible. In 2023, the budget for prosecution per inhabitant decreased by 21,4% compared to 2022.

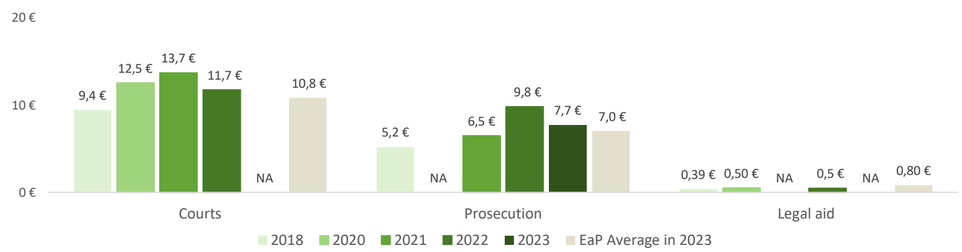
• Budget allocated to the judicial system (courts, prosecution services and legal aid)

In 2023, the data on the implemented judicial system budget was unavailable.
Ukraine spent 315 233 400€ for prosecution services, which is 0,24% of GDP (higher than the EaP Average in 2023). Per inhabitant, the implemented budget for prosecution services (7,7€) is higher than the EaP Average (7€) in 2023.

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	EaP Average in 2023	% Variation between 2018 - 2023	% Variation between 2022 - 2023	As % of GDP	EaP Average in 2023	Variation (in ppt) 2018 -2023	Variation (in ppt) 2022 - 2023
Total	839 831 916 €	NA	NA	18,4 €	NA	NA	NA	0,28%	NA	NA
Courts	474 737 614 €	NA	NA	10,8 €	NA	NA	NA	0,16%	NA	NA
Prosecution	344 847 700 €	315 233 400 €	7,7 €	7,0 €	48,1%	-21,4%	0,24%	0,13%	0,04	-0,065
Legal aid	20 246 602 €	NA	NA	0,8 €	NA	NA	NA	0,01%	NA	NA

PPT = Percentage points

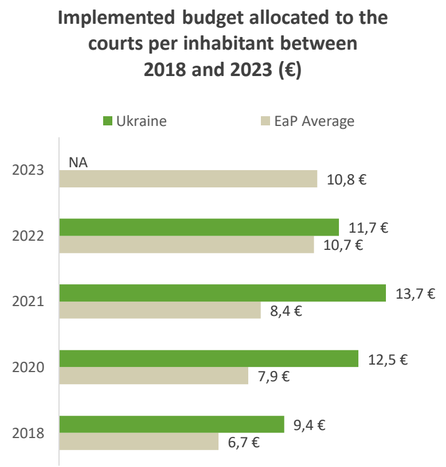
Evolution of the implemented judicial system budget per inhabitant between 2018 and 2023 (€)



• Budget allocated to the functioning of the courts - Categories

The data on implemented budget for courts was reported as non-available, hence no analysis is possible for 2023.

	2023		% Variation between 2018 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	474 737 614 €	NA	7,7%	NA	-4,6%	NA
1. Gross salaries	NA	NA	NA	NA	NA	NA
2. Computerisation (2.1 + 2.2)	NA	NA	NA	NA	NA	NA
2.1 Investment in computerisation	NA	NA			NA	NA
2.2 Maintenance of the IT equipment of courts	NA	NA			NA	NA
3. Justice expenses	NA	NA	NA	NA	NA	NA
4. Court buildings	NA	NA	NA	NA	NA	NA
5. Investment in new buildings	NA	NA	NA	NA	NA	NA
6. Training	NA	NA	NA	NA	NA	NA
7. Other	NA	NA	NA	NA	NA	NA



• Budget received from external donors

	Absolute value	Calculated as %
Courts	NA	NA
Prosecution services	NA	NA
Legal aid	84 547 €	NA
Whole justice system	NA	NA

Some data was reported as available only in respect of Legal Aid: As part of the financial support to Ukraine from international partners in 2023, the free legal aid system received a grant to implement the projects "Protection of humanitarian rights and freedoms and security of internally displaced persons and conflict-affected communities at risk of explosive ordinance in Ukraine" and "Response to emergencies in the social and legal protection sector and humanitarian needs of internally displaced and conflict-affected persons in Ukraine".

Professionals and Gender Balance in judiciary in Ukraine in 2023 (Indicators 2 and 12)

Professional Judges

11,8

per 100 000 inhabitants

-8,4%

compared to 2018

EaP Average: 10,2

54,4% female judges (total)

Prosecutors

22,5

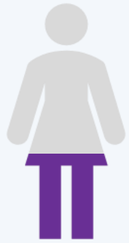
per 100 000 inhabitants

-10,3%

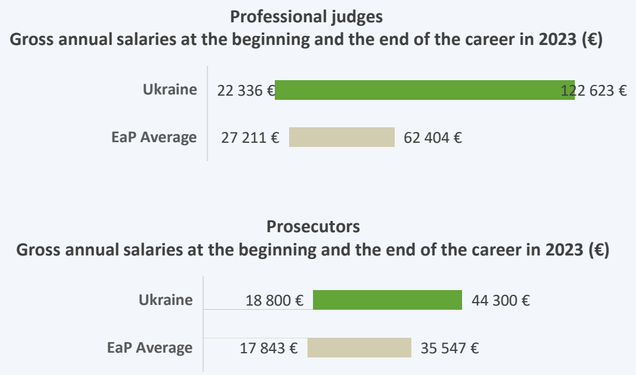
compared to 2018

EaP Average: 16,6

36,9% female prosecutors (total)



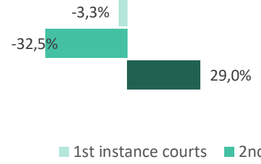
Salaries of judges and prosecutors

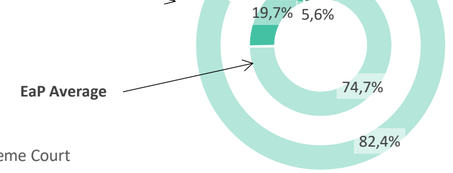


In 2023, Ukraine had 11,8 professional judges per 100 000 inhabitants and 22,5 prosecutors per 100 000 inhabitants. Both figures were above the EaP Average of 10,2 and 16,6, respectively. More than half of professional judges were women (EaP Average was 43,1%), whereas the percentage of female prosecutors was 36,9% (the EaP Average was 27,5%).

• Professional Judges

	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	4 821	100,0%	11,8	10,2
1st instance courts	3 972	82,4%	9,7	7,6
2nd instance courts	701	14,5%	1,7	2,0
Supreme Court	148	3,1%	0,4	0,6





For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.

In 2023, the absolute number of professional judges in Ukraine was 4 821 (i.e. 11,8 per 100 000 inhabitants, which was higher than the EaP Average of 10,2).

Compared to 2018, the total number of professional judges per 100 000 inhabitants decreased by -8,4%.

The figures show a difference of -7,7 percentage points between the percentage of judges in the first instance (82,39%) and the EaP Average (74,7%)

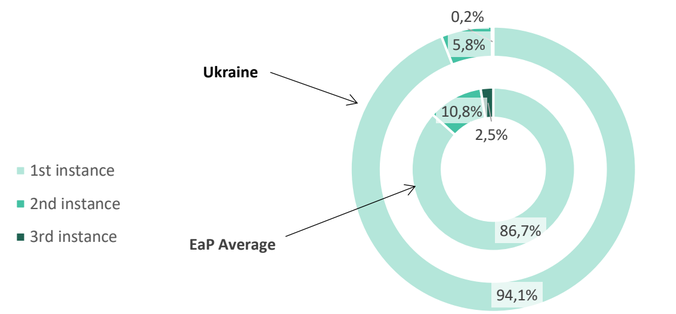
Specifically for 2023, the authorities reported that at the end of 2021, the Ethics Council started its work, which was supposed to check all HCJ members for integrity. After that, the majority of HCJ members voluntarily resigned due to disagreement with the possibility of their verification, and on 22 February 2022, the HCJ lost its powers. The HCJ resumed its quorum only on 12 January 2023, after the vetting of candidates to the HCJ and approval of new HCJ members. All those judges who weren't able to resign throughout 2022 did it in 2023.

• Court presidents

	Court presidents in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	591	100,0%	1,4	0,9
1st instance courts	556	94,1%	1,4	0,8
2nd instance courts	34	5,8%	0,1	0,1
Supreme Court	1	0,2%	0,0	0,0

The absolute number of court presidents in Ukraine in 2023 was 591 (i.e. 1,4 per 100 000 inhabitants, which was above the EaP Average of 0,9).

Distribution of court presidents by instance in 2023 (%)

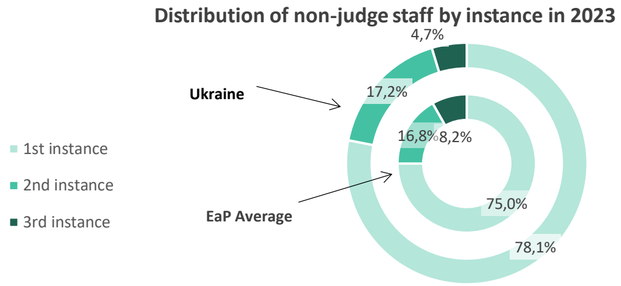


• Non-judge staff

The absolute total number of non-judge staff in Ukraine was 24 084, which decreased by -8,9% between 2018 and 2023. The number of non-judge staff per 100 000 inhabitants was 58,7, which was above the EaP Average of 51,5.

	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	24 084	100,0%	58,7	51,5
1st instance courts	18 807	78%	45,9	38,6
2nd instance courts	4 152	17%	10,1	8,7
Supreme Court	1 125	5%	2,7	4,2

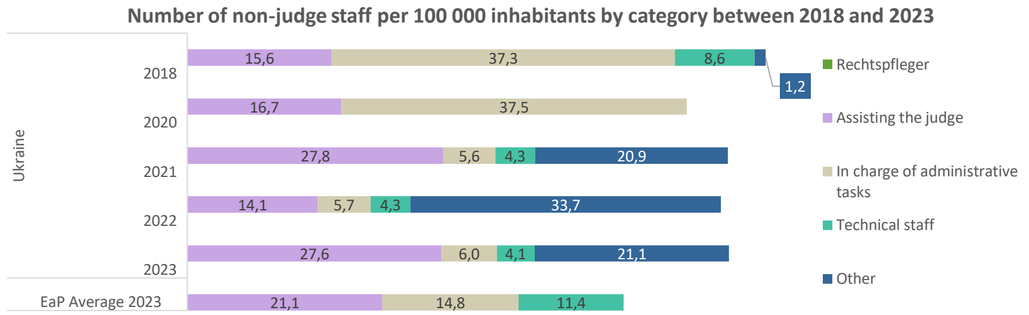
For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.



The highest number of non-judge staff were assisting judges and represented 46,9% of the total. It is in this category where the most noticeable variation in the distribution of non-judge staff by category per 100 000 inhabitants appears since 2018.

At the end of 2022, the Supreme Court began to downsize its staff due to a lack of funds to pay salaries.

	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	24 084	100,0%	58,7	51,5
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	11 302	46,9%	27,6	21,1
In charge of administrative tasks	2 463	10,2%	6,0	14,8
Technical staff	1 681	7,0%	4,1	11,4
Other	8 638	35,9%	21,1	-

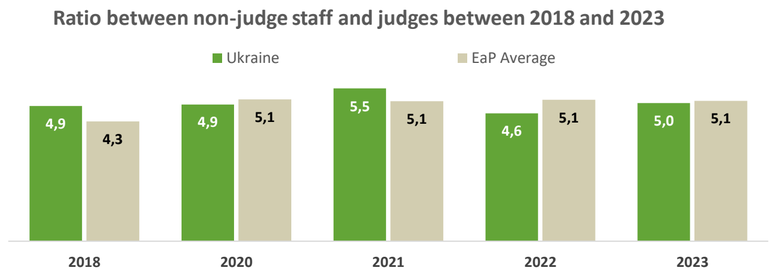


• Ratio between non-judge staff and professional judges

In Ukraine, the ratio of non-judge staff per professional judge was 5 in 2023, whereas the EaP Average was 5,1.

	Ratio in 2023		% Variation between 2018 and 2023
	Ukraine	EaP Average	Ukraine
Total	5,0	5,1	2,2%
1st instance courts	4,7	5,2	-2,5%
2nd instance courts	5,9	4,4	31,9%
Supreme Court	7,6	8,1	-21,7%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.



• Prosecutors

	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	9 212	100,0%	22,5	16,6
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

% Variation of no. of prosecutors per 100 000 inh. 2018 - 2023
-10,3%

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

In 2023, the absolute number of prosecutors in Ukraine was 9 212 (i.e. 22,5 per 100 000 inhabitants, which was higher than the EaP Average of 16,6). The total number of prosecutors per 100 000 inhabitants decreased by -10,3% between 2018 and 2023.

The Ukrainian legislation does not provide for prosecutors at the first instance, second instance, and at the supreme court level. They are organised in regional, district, specialized anticorruption prosecution offices and prosecutors of the General Prosecutor's Office. 'Source: Consolidated report on the work with the personnel of prosecutors of the prosecutor's offices of Ukraine for 12 months of 2023, form No. КП (semi-annual, annual).

• Heads of prosecution services

	Heads of prosecution services in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants
Total	238	100,0%	0,6	1,1
1st instance level	NAP	NAP	NAP	-
2nd instance level	NAP	NAP	NAP	-
Supreme Court level	NAP	NAP	NAP	-

In 2023, the absolute number of heads of prosecution services in Ukraine was 238 (i.e. 0,6 per 100 000 inhabitants, which was significantly lower than the EaP Average of 1,1).

• Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

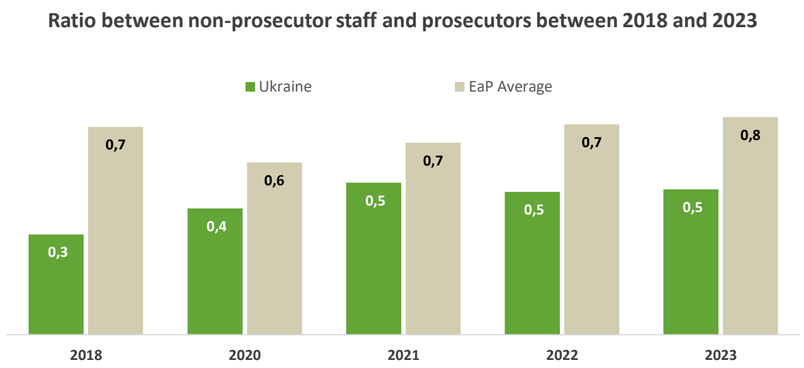
	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2018 - 2023
	Ukraine	Ukraine	EaP Average	Ukraine	EaP Average	Ukraine
Total	4 655	11,4	13,0	0,5	0,8	44,9%

For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

In 2023, the total number of non-prosecutor staff in Ukraine was 4 655. Their number increased by 26,4% compared to 2018.

The number of non-prosecutor staff per 100 000 inhabitants was 11,4, which was below the EaP Average of 13 in 2023.

The ratio of non-prosecutor staff per prosecutor was 0,5 (lower than the EaP Average of 0,8).



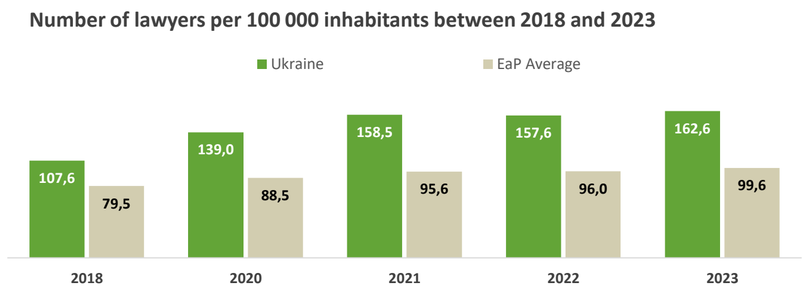
In accordance with Article 14(2) of the Law of Ukraine "On the Prosecutor's Office", the structure of the prosecutor's office includes civil servants and other employees whose activities are regulated by this Law and other legislative acts of Ukraine. Thus, taking into account the said provision of the Law, the employees of the prosecutor's office who are not prosecutors include civil servants, employees of the patronage service, employees performing service functions and workers.

• Lawyers

	Number of lawyers in 2023			% Variation 2018 - 2023
	Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	Ukraine
Total	66 651	162,6	99,6	51%

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

In 2023, the number of lawyers was 162,6 per 100 000 inhabitants, which was significantly higher than the EaP Average (99,6).
The number of lawyers per 100 000 inhabitants increased by 51% between 2018 and 2023.



• Salaries of professional judges and prosecutors

In 2023, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in Ukraine was 4,2, which was more than the EaP Average (4,1).

At the end of career, judges were paid more than at the beginning of career by 449%, which was more than variation noted for the EaP Average (143%).

In 2023, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in Ukraine was 3,6, which was more than the EaP Average (2,7).

At the end of career, prosecutors were paid more than at the beginning of career by 135,6%, which was more than the variation noted for the EaP Average (112,9%).

		Salaries in 2023 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2018 - 2023	Net annual salary in €	Ukraine	EaP Average ratio
Professional judge	At the beginning of his/her career	22 336	39,6%	17 980	4,2	4,1
	Of the Supreme Court or the Highest Appellate Court	122 623	0,0%	98 712	23,2	10,0
Public prosecutor	At the beginning of his/her career	18 800	75,9%	15 200	3,6	2,7
	Of the Supreme Court or the Highest Appellate Court	44 300	154,7%	35 700	8,4	5,7

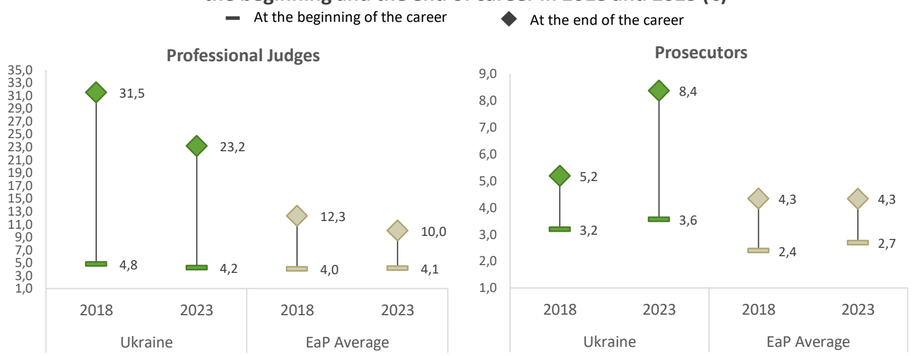
For reference only: the 2022 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

- professional judges' salary at the beginning of career: 1,9 *- prosecutors' salary at the beginning of career: 1,7*

- professional judges' salary at the end of career: 4,3 *- prosecutors' salary at the end of career: 3,3*

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)

Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at the beginning and the end of career in 2018 and 2023 (€)



Additional benefits and bonuses for professional judges and prosecutors

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✗	✓	✓	✓	✗
Prosecutors	✗	✓	✓	✗	

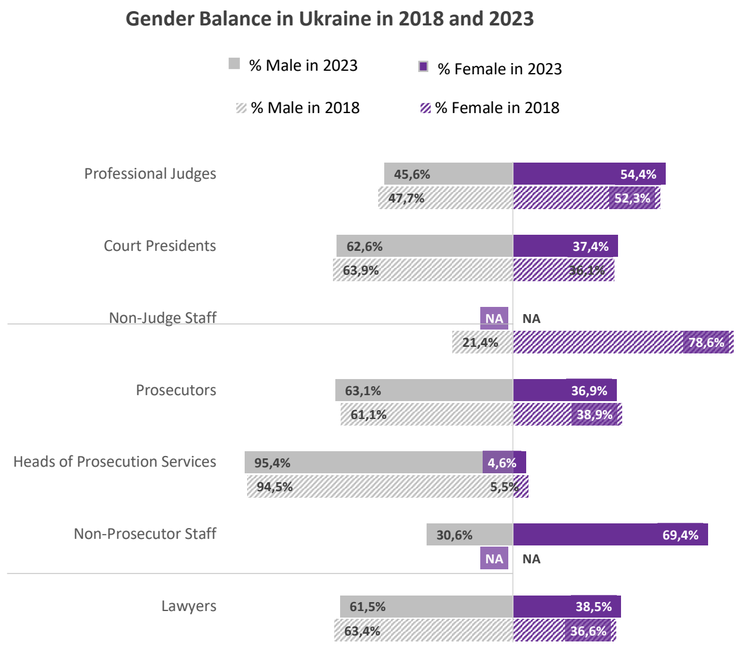
Prosecutors: Pursuant to Articles 83, 84, 86 of the Law of Ukraine "On the Prosecutor's Office", upon appointment to the position, a prosecutor in need of better **housing** conditions is provided with official housing at the location of the prosecutor's office. Prosecutors are subject to compulsory state social insurance. Prosecutors are entitled to a long service pension if they have at least 25 years of service, including at least 15 years of work experience as prosecutors.

Judges: Special pension - Pursuant to Article 142 of the Law of Ukraine "On the Judiciary and the Status of Judges", a retired judge, upon reaching the age of 62 for men and the retirement age for women set forth in Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance", is paid a pension under the terms and conditions set forth in the said Law or, at his/her option/choice, a monthly lifetime allowance. The pension or monthly lifetime allowance of a judge is paid regardless of the earnings (profit) received by the judge after retirement. The monthly lifetime allowance is paid to judges by the Pension Fund of Ukraine at the expense of the State Budget of Ukraine. **Housing:** Pursuant to Article 138 of the Law of Ukraine "On the Judiciary and the Status of Judges", upon appointment, a judge in need of improved housing conditions is provided with official housing at the location of the court by local self-government bodies in accordance with the procedure established by the Government of Ukraine, unless another procedure for providing official housing is presecribed by law.

• Gender Balance

	% Female in 2023		Variation of the % females between 2018 - 2023 (in ppt)
	Ukraine	EaP Average	Ukraine
Professional Judges	54,4%	43,1%	2,1
Court Presidents	37,4%	22,4%	
Non-Judge Staff	NA	69,4%	NA
Prosecutors	36,9%	27,5%	-2,0
Heads of Prosecution Services	4,6%	7,3%	
Non-Prosecutor Staff	69,4%	64,0%	NA
Lawyers	38,5%	36,1%	1,9

PPT= Percentage points



For reference only: the 2022 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

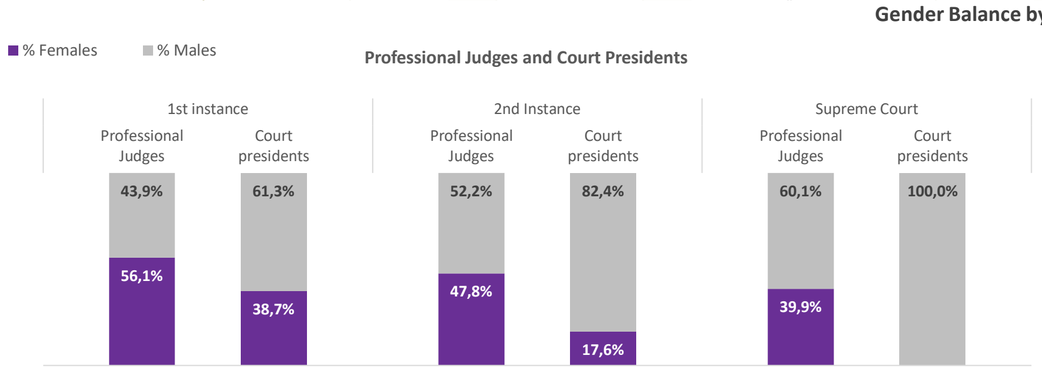
The highest % of females is in the category of professional judges (54,4%), which is higher than the EaP Average in 2023.

The percentage of female prosecutors was 36,9% (higher than the EaP Average of 27,5%). The number of female heads of prosecution services (4,6%) was lower than the EaP Average (7,3%). At the same time, the percentage of female non-prosecutor staff was 69,4%.

Finally, the percentage of female lawyers was 38,5%, which was higher than EaP Average (36,1%).

The court presidents, prosecutors and heads of prosecution services were categories where there is less than 50% of female presence.

	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	Ukraine	EaP Average	Ukraine	EaP Average	Ukraine	EaP Average	Ukraine	EaP Average
1st instance	56,1%	45,4%	38,7%	21,8%	NAP	-	NAP	-
2nd instance	47,8%	37,5%	17,6%	11,9%	NAP	-	NAP	-
Supreme Court	39,9%	32,4%	0,0%	60,0%	NAP	-	NAP	-



For judges, a decrease of the percentage of female can be observed from first to third instance. Such an analysis is not possible for prosecutors, as they are not organised by court instances in Ukraine.

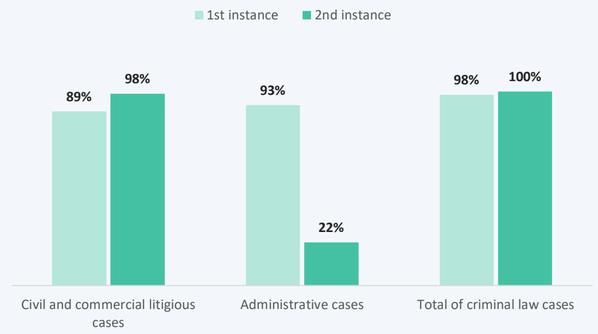
Gender Equality Policies

	Recruitment		Appointment	Promotion		Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			✗			
Heads of Prosecution Services			✗			
Judges	✗	✗		✗	✗	NA
Prosecutors	✗	✗		✗	✗	NA
Non-judge staff	✗	✗		✗	✗	NA
Lawyers	✗			✗		
Notaries	✗			✗		
Enforcement agents	✗			✗		

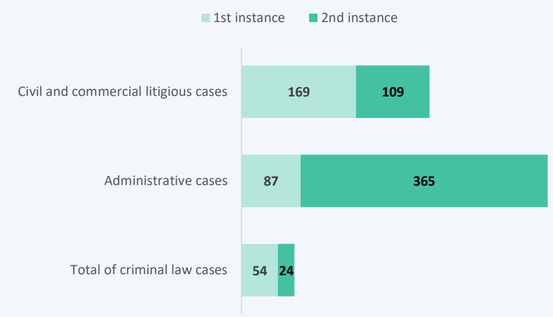
In Ukraine there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

Efficiency in Ukraine in 2023 (Indicators 3.1 and 3.2)

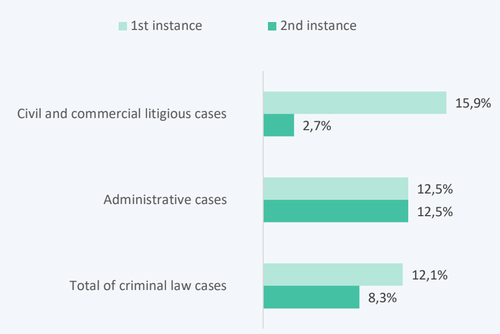
Clearance Rate in 2023



Disposition Time in 2023 (in days)



% Variation of pending cases at the end of year between 2022 and 2023



On 22 February 2022, due to the invasion of Ukraine by Russian Federation, a martial law was introduced throughout the country. The judiciary, like other legal institutions, had been affected by the war and had to make adjustments to the judicial process. Thus, the analysis of the 2023 and 2022 case-flow data for Ukraine needs to consider the infrastructure damage, especially to courthouses. Moreover, there was limited ability to collect and analyse data comprehensively. Staffing shortages have hindered data collection efforts that adhere rigorously to the CEPEJ methodology. Nevertheless, some although limited analysis was possible and due consideration needs to be given to some particularities reported by categories of cases (see below).

In 2023, the highest Clearance rate (CR) for Ukraine appears to be in the second instance total Criminal law cases (100%). However, it seems that Ukraine was not able to deal as efficiently with the second instance Administrative cases (CR of 22%). With a Disposition Time of approximately 24 days, the second instance total Criminal law cases appear to have been resolved faster than any other type of cases.

Compared to 2022, the pending cases at the end of year increased in all categories and in both instances, more substantially for the first instance Civil and commercial litigious cases (15,9%), and to a less extent in second instance Civil and commercial litigious cases (2,7%).

First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2023

First instance courts:

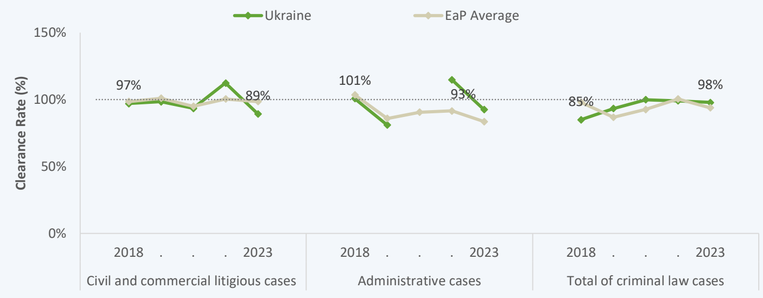
There appears to be a general trend in decreasing of Clearance rate over the 5-year period, except in total criminal cases. In 2023, the CR is above the EaP Average in Administrative and Criminal cases, and it is below in civil and commercial litigious cases.

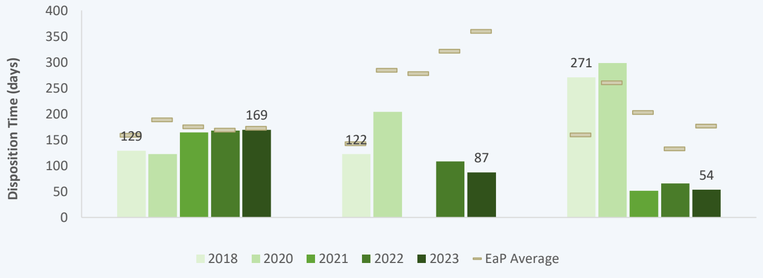
Over a 5 year period, the DT shows an increase in Civil and Commercial litigious cases a appears to have
decreased significantly in Criminal cases. This however needs to be read in the context change in the national

Second instance courts

The most significant drop in the CR is in Administrative cases to 22% in 2023. For the civ commercial litigious
cases and total criminal cases, the CR appears to have increased over the 5-year period The CR is close to the EaP Averages in these two categories of cases and it is considerat below the EaP Average

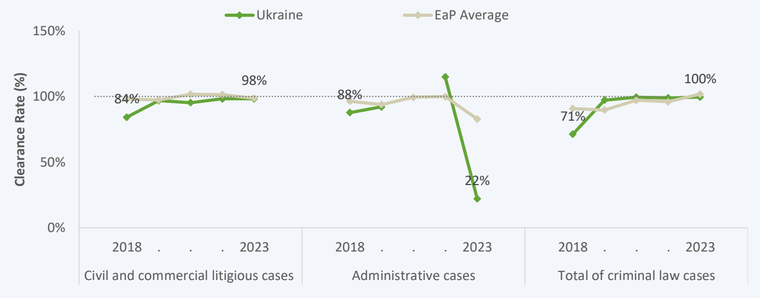
The DT time shows an significant increase over the 5-year period in administrative cases and a sizable decrease in total criminal cases (which is explained by the change in national methodology as of 2021, as reported under 1st instance courts). The DT in administrative cases is considerably above the EaP Average for 2023.

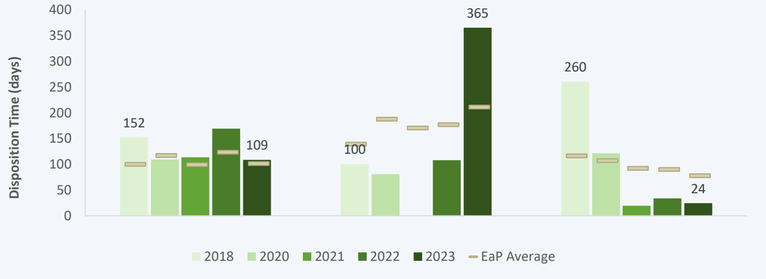




Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2023





• First instance cases - Other than criminal law cases

1st instance cases in 2023 (absolute values)		Ukraine (2023)				% Variation between 2022 and 2023			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)		2 813 080	2 662 423	563 486	25 612	54,5%	37,7%	14,7%	28,2%
1	Civil and commercial litigious cases	696 212	621 423	288 058	21 645	44,7%	14,9%	15,9%	NAP
2	Non-litigious cases**	529 134	522 709	36 769	NA	109,6%	106,8%	18,2%	NA
3	Administrative cases	662 450	613 075	146 547	2 527	72,8%	39,3%	12,5%	-36,8%
4	Other cases	925 284	905 216	92 112	1 440	31,6%	29,3%	13,4%	67,4%

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2023, there were 696 212 incoming civil and commercial litigious cases (1,7 per 100 inhabitants vs the EaP Average of 3,08). They increased by 44,7% between 2022 and 2023. The courts resolved 621 423 cases (1,52 per 100 inhabitants) and they increased by 14,9%. In 2023, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 89% (below the EaP Average of 98%). This decreased by -23,1 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 169 days in 2023 (below the EaP Average of 172 days). This increased by 0,8% over the 2022-2023 period.

There were 662 450 incoming administrative cases in 2023 (i.e. 1,62 per 100 inhabitants vs the EaP Average of 0,59). They increased by 72,8% compared to the previous year. In 2023, the courts resolved 613 075 cases (1,5 per 100 inhabitants, above of the EaP Average of 0,51). Between 2022 and 2023, the number of resolved administrative increased by 39,3%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 93% (above the EaP Average (84%). The CR decreased by -22,2 percentage points compared to the previous year.

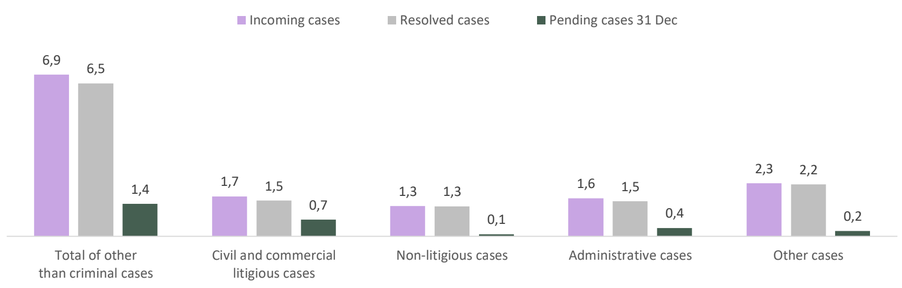
Finally, the Disposition Time for administrative cases was approximately 87 days in 2023. This has decreased by -19,2% compared to 2022 and it was below the EaP Average (359 days).

The analysis of this data needs to consider the following explanations provided by the authorities: the differences between 31 Dec. 2022 and 1 Jan 2023 in Category 1. Civil (and commercial) litigious cases, Category 3. Administrative law cases, Category 4. Other are explained by a "significant damage to critical infrastructure, which significantly affected the functioning of the judiciary in Ukraine in general and, in particular, the administration of justice by local and appellate courts, which was reflected in the state of their accounting and statistical work". Furthermore, there was a decision of the SJA of Ukraine to exclude in 2022 the data of 169 local and appellate courts whose jurisdiction was changed. In 2022, the territorial jurisdiction of 135 local and appellate courts was changed (transferred) by orders of the Chief Justice of the Supreme Court due to the inability to administer justice during martial law, and the territorial jurisdiction of 50 local and appellate courts was restored. As of the end of 2022, the territorial jurisdiction of 169 local and appellate courts was changed (transferred) (including the courts whose jurisdiction was transferred during the war, 84 local and appellate courts of the Autonomous Republic of Crimea, Donetsk and Luhansk regions in the period from 2014 to 2022), which is more than 22 percent or more than one-fifth of the total number of local and appellate courts. On 22 February 2022, due to the invasion of Ukraine by Russian troops, a martial law was introduced throughout the country. The judiciary, like other legal institutions, has been affected by the war, which has undoubtedly made adjustments to the judicial process. However, even under martial law in 2023, the constitutional right to judicial protection by local and appellate courts was not restricted. Despite the large-scale armed aggression of the Russian Federation against Ukraine, in accordance with Article 3 of the Constitution of Ukraine, Article 122 of the Law of Ukraine "On the Legal Regime of Martial Law", Decree of the President of Ukraine of February 24, 2022 No. 64/2022 "On the Introduction of Martial Law in Ukraine" approved by the Law of Ukraine No. 2102-IX dated February 24, 2022, Decree of the President of Ukraine No. 133/2022 "On Extension of the Martial Law in Ukraine" dated March 14, 2022, approved by the Law of Ukraine No. 2119-IX dated March 15, 2022, taking into account the decisions of the Council of Judges of Ukraine No. 9 "On Taking Urgent Measures to Ensure Sustainable Functioning of the Judiciary in Ukraine" of February 24, 2022 and No. 10 "On Approval of Recommendations on Organizational Issues of Judges' Work under Martial Law" of March 14, 2022, guided by part two of Article 29 of the Law of Ukraine "On the Judiciary and Status of Judges", "local and appellate courts functioned in accordance with the standards of productivity and efficiency of court procedures, quality of court services and expectations of citizens participating in court proceedings". While it is not possible to determine the precise reasons for the case-flow variation, when looking at 2023 Other than criminal cases, one needs to factor in the potential postponement by users in addressing courts in the previous year, for reasons of priorities or departures from the country due to the start of war in 2022. In 2023, court users' behaviour appears to have changed towards bringing the postponed other than criminal matters to courts.

1st instance cases in 2023 (per 100 inhabitants)		Incoming cases			Resolved cases			Pending cases 31 Dec			Pending cases over 2 years		
		Ukraine		EaP Average	Ukraine		EaP Average	Ukraine		EaP Average	Ukraine		EaP Average
Total of other than criminal law cases (1+2+3+4)		6,9	>	4,8	6,5		4,7	1,4	<	1,8	0,06	<	0,27
1	Civil and commercial litigious cases	1,7	<	3,1	1,5		3,1	0,7	<	1,4	0,05	<	0,22
2	Non-litigious cases**	1,3	>	0,8	1,3		0,8	0,1	<	0,1	NA		-
3	Administrative cases	1,6	>	0,6	1,5		0,5	0,4	>	0,3	0,01	<	0,05
4	Other cases	2,3		-	2,2		-	0,2		-	0,00		-

Key: > Higher than the EaP Average; = Equal to the EaP Average; < Lower than the EaP Average

For reference only: the 2022 EU Median was as follows:
- Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;
- incoming first instance Administrative cases per 100 inhabitants: 0,3.

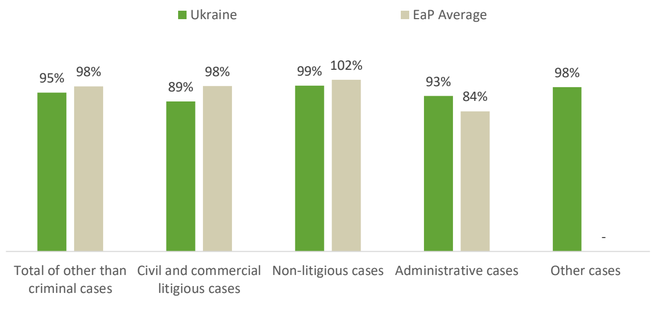


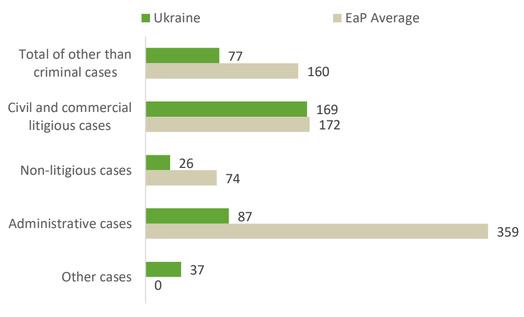
1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Ukraine	EaP Average	Ukraine	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)		95%	98%	77	160	-11,6	-16,7%
1	Civil and commercial litigious cases	89%	98%	169	172	-23,1	0,8%
2	Non-litigious cases**	99%	102%	26	74	-1,3	-42,8%
3	Administrative cases	93%	84%	87	359	-22,2	-19,2%
4	Other cases	98%	-	37	-	-1,7	-12,3%

PPT = Percentage points

For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:
- Clearance rate: 100,5%; - Disposition time: 239 days.

For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:
- Clearance rate: 98,8%; - Disposition time: 288 days.





• First instance cases - Criminal law cases

1st instance cases in 2023 (absolute values)		Ukraine (2023)				% Variation between 2022 and 2023			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)		888 794	869 234	128 327	10 087	39,2%	37,3%	12,1%	15,9%
1	Severe criminal cases	55 790	43 067	64 040	NA	NA	NA	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA

As with Other than criminal cases, the data on Criminal law cases needs to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics) and the SJA decision not to report in 2022 the data of courts the jurisdiction of which was changed.
In 2023, there were 888 794 incoming total criminal cases (2,17 per 100 inhabitants vs the EaP Average of 0,99). They increased by 39,2% between 2022 and 2023. The courts resolved 869 234 cases (2,12 per 100 inhabitants). Between 2022 and 2023, they increased by 37,3%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 98% (above the EaP Average of 93,8%). This decreased by -1,3 percentage points compared to 2022.

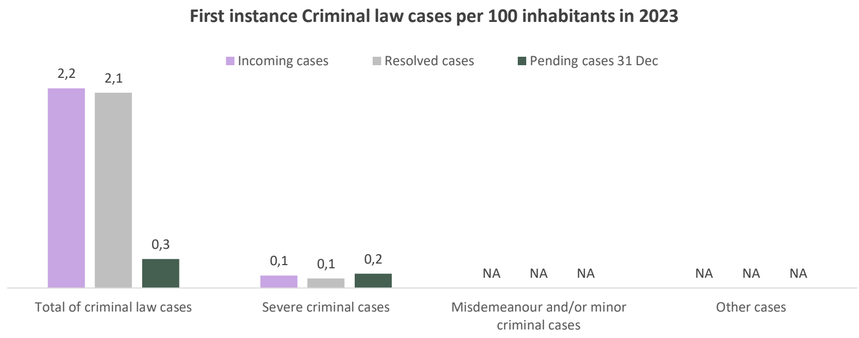
The increase in the nr of incoming and resolved in Category 1. Severe criminal cases is to be read in the context of new (mostly war) crimes. Categories 2 and 3 are NA, as it was not possible to distinguish between some minor and other criminal cases.

The Disposition Time for total criminal cases was approximately 54 days in 2023 (below the EaP Average of 176 days). This decreased by -18,4% compared to 2022.

1st instance cases in 2023 (per 100 inhabitants)		Incoming cases			Resolved cases		Pending cases 31 Dec			Pending cases over 2 years		
		Ukraine		EaP Average	Ukraine	EaP Average	Ukraine		EaP Average	Ukraine		EaP Average
Total of criminal law cases (1+2+3)		2,2	>	1,0	2,1	1,0	0,3	>	0,3	0,02	<	0,03
1	Severe criminal cases	0,1	>	0,1	0,1	0,1	0,2	>	0,1	NA		-
2	Misdemeanour and / or minor criminal cases	NA		-	NA	-	NA		-	NA		-
3	Other cases	NA		-	NA	-	NA		-	NA		-

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,7.

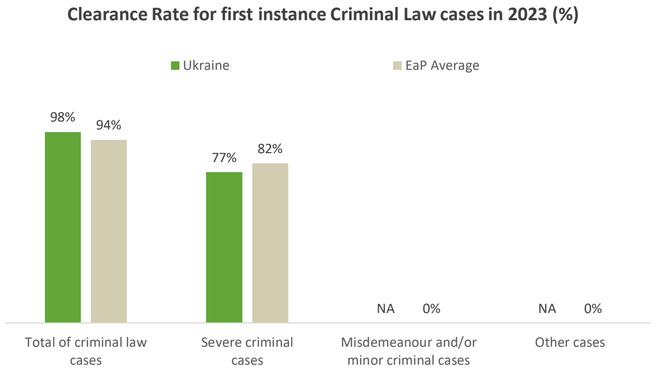
Key: > Higher than the EaP Average
= Equal to the EaP Average
< Lower than the EaP Average

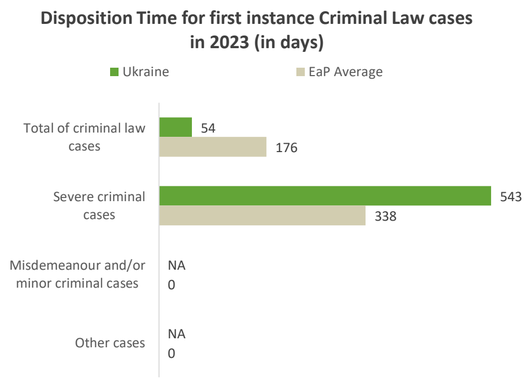


1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Ukraine	EaP Average	Ukraine	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		98%	94%	54	176	-1,3	-18,4%
1	Severe criminal cases	77%	82%	543	338	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	-	NA	-	NA	NA
3	Other cases	NA	-	NA	-	NA	NA

PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:
- Clearance rate: 100%; - Disposition time: 136 days.





• Second instance cases - Other than criminal law cases

2nd instance cases in 2023 (absolute values)		Ukraine (2023)				% Variation between 2022 and 2023			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of other than criminal law cases (1+2+3+4)		NA	NA	NA	1 854	NA	NA	NA	NA
1	Civil and commercial litigious cases	114 286	112 296	33 461	1 502	59,4%	59,4%	2,7%	108,6%
2	Non-litigious cases**	NA	NA	NA	NA	NA	NA	NA	NA
3	Administrative cases	662 450	146 547	146 547	2 527	72,8%	-66,7%	12,5%	-36,8%
4	Other cases	33 373	32 864	4 038	80	43,3%	43,0%	15,7%	344,4%

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

In 2023, there were 114 286 incoming civil and commercial litigious cases (0,28 per 100 inhabitants vs the EaP Average of 0,27). They increased by 59,4% between 2022 and 2023. The courts resolved 112 296 cases (0,27 per 100 inhabitants). Between 2022 and 2023, they increased by 59,4%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 98% (below the EaP Average of 99%). This was the same as in 2022.

The Disposition Time for civil and commercial litigious cases was approximately 109 days in 2023 (above the EaP Average of 101 days). This decreased by -35,6% compared to 2022.

There were 662 450 incoming administrative cases in 2023 (i.e. 1,62 per 100 inhabitants vs the EaP Average of 0,41). They increased by 72,8% compared to the previous year. The courts resolved 146 547 cases (0,36 per 100 inhabitants, above of the EaP Average of 0,16). Between 2022 and 2023, the number of resolved administrative decreased by -66,7%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 22% (below the EaP Average (83%). The CR decreased by -92,7 percentage points compared to the previous year.

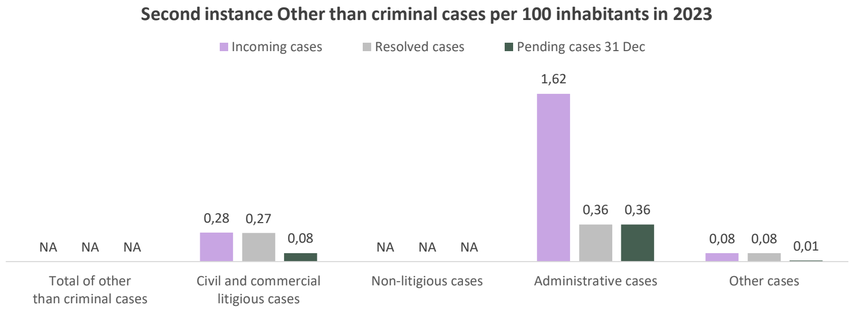
Finally, the Disposition Time for administrative cases was approximately 365 days in 2023. This has increased by 238% compared to 2022 and it was above the EaP Average (210 days).

The increase in the incoming and resolved numbers of Civil (and commercial) litigious cases, the increase in incoming and decrease in resolved administrative law cases need to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics), the SJA decision not to report in 2022 the data of courts whose jurisdiction was changed, as well as the potential change in the behaviour of users (see as under 1st instance courts).

2nd instance cases in 2023 (per 100 inhabitants)		Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
		Ukraine	EaP Average	Ukraine	EaP Average	Ukraine	EaP Average	Ukraine	EaP Average
Total of other than criminal law cases (1+2+3+4)		NA	0,37	NA	0,36	NA	0,12	0,00 =	0,00
1	Civil and commercial litigious cases	0,28 >	0,27	0,27	0,27	0,08 >	0,07	0,00 =	0,00
2	Non-litigious cases**	NA	-	NA	-	NA	-	NA	-
3	Administrative cases	1,62 >	0,41	0,36	0,16	0,36 >	0,12	0,01 >	0,00
4	Other cases	0,08	-	0,08	-	0,01	-	0,00	-

Key: > Higher than the EaP Average; = Equal to the EaP Average; < Lower than the EaP Average

For reference only: the 2022 EU Median was as follows:
- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;
- incoming Second instance Administrative cases per 100 inhabitants: 0,1.

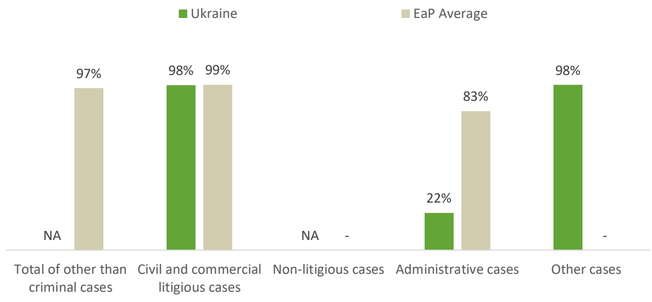


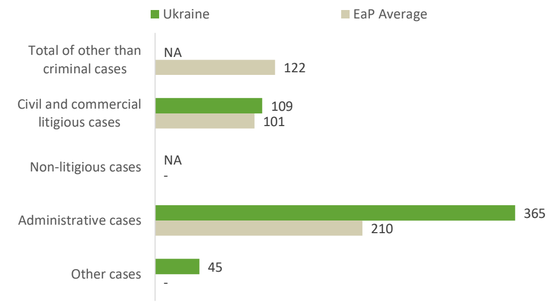
2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Ukraine	EaP Average	Ukraine	EaP Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)		NA	97%	NA	122	NA	NA
1	Civil and commercial litigious cases	98%	99%	109	101	0,0	-35,6%
2	Non-litigious cases**	NA	-	NA	-	NA	NA
3	Administrative cases	22%	83%	365	210	-92,7	238,0%
4	Other cases	98%	-	45	-	-0,3	-19,1%

PPT = Percentage points

For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:
- Clearance rate: 97,1%; - Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:
- Clearance rate: 102,6%; - Disposition time: 277 days.





• Second instance cases - Criminal law cases

2nd instance cases in 2023 (absolute values)		Ukraine (2023)				% Variation between 2022 and 2023			
		Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years
Total of criminal law cases (1+2+3)		203 723	202 742	13 521	658	48,4%	49,4%	8,3%	38,2%
1	Severe criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	NA	NA	NA	NA	NA	NA	NA
3	Other cases	NA	NA	NA	NA	NA	NA	NA	NA

In 2023, there were 203 723 incoming total criminal cases (0,5 per 100 inhabitants vs the EaP Average of 0,28). They increased by 48,4%, compared to the previous year. The courts resolved 202 742 cases (0,49 per 100 inhabitants). Between 2022 and 2023, the number of resolved cases increased by 49,4%. In 2023, the number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. The 2023 Clearance rate for this type of cases was 100% (below the EaP Average of 102%). This increased by 0,6 percentage points compared to 2022.

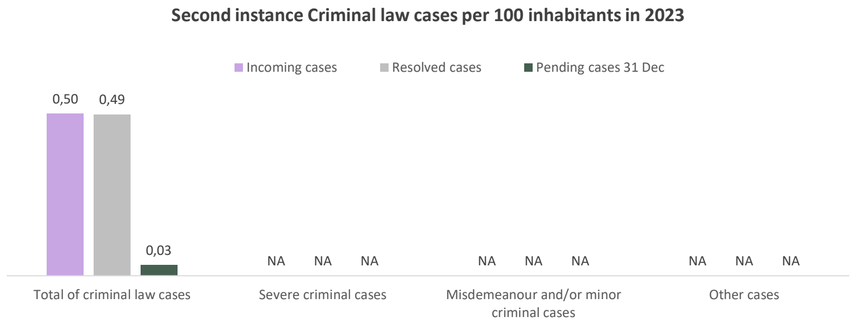
The Disposition Time for total criminal cases was approximately 24 days in 2023 (below the EaP Average of 77 days). This decreased by -27,5% compared to 2022.

The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offences and the number of misdemeanour and minor offences cases. The information about the exact number of the severe criminal offences and misdemeanour/minor offences cases was reported as not available. The data needs to be read in the context of damage to infrastructure (which reflects on the capacity to keep and analyse statistics) and the SJA decision not to report in 2022 the data of courts whose jurisdiction was changed (see comment to 2022 data). In addition, it was not possible for authorities to break down the data on the administration of justice by appellate courts in criminal proceedings from the generalized category "Total number of criminal cases (1+2+3)" into categories 1 "Serious criminal cases", 2 "Misdemeanours and/or minor criminal cases", 3 "Other criminal offenses" since the recording by categories (by severity) is carried out exclusively for appeals against verdicts (by number of persons), and appellate review of rulings and resolutions is recorded according to other criteria (not by categories by severity).

2nd instance cases in 2023 (per 100 inhabitants)		Incoming cases			Resolved cases		Pending cases 31 Dec			Pending cases over 2 years		
		Ukraine		EaP Average	Ukraine	EaP Average	Ukraine		EaP Average	Ukraine		EaP Average
Total of criminal law cases (1+2+3)		0,50	>	0,28	0,49	0,28	0,03	<	0,07	0,00	<	0,01
1	Severe criminal cases	NA		-	NA	-	NA		-	NA		-
2	Misdemeanour and / or minor criminal cases	NA		-	NA	-	NA		-	NA		-
3	Other cases	NA		-	NA	-	NA		-	NA		-

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
- Incoming cases per 100 inhabitants: 0,1.

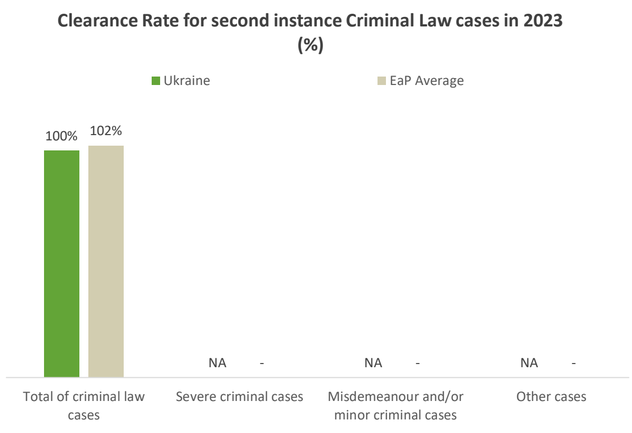
Key: > Higher than the EaP Average
= Equal to the EaP Average
< Lower than the EaP Average

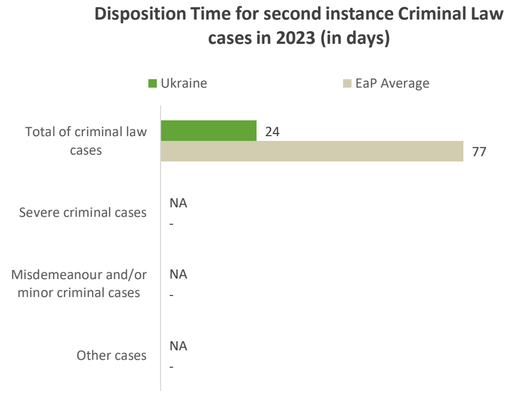


2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023		CR (%)		DT (days)		% Variation 2022 - 2023	
		Ukraine	EaP Average	Ukraine	EaP Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)		100%	102%	24	77	0,6	-27,5%
1	Severe criminal cases	NA	-	NA	-	NA	NA
2	Misdemeanour and / or minor criminal cases	NA	-	NA	-	NA	NA
3	Other cases	NA	-	NA	-	NA	NA

PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:
- Clearance rate: 99%; - Disposition time: 135 days.





• Specific category cases

	Ukraine (2023)						% Variation between 2022 and 2023					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	NA	97	109	NA	NA	NA	NA	-8%	-3%	NA	NA	NA
Litigious divorce cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Insolvency cases	NA	173	NA	NA	NA	NA	NA	-17%	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Intentional homicide cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bribery cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Trading in influence	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year. Only data on the length of proceedings for civil and commercial litigious cases in 1st and 2nd instance courts and in insolvency cases in 1st instance were provided for 2023 for Ukraine, which show decreases compared to 2022. Thus, no full analysis on other categories was possible for this cycle.

• Quality standards and performance indicators in the judicial system

In Ukraine there are quality standards determined for the judicial system at national level. Also, both courts and public prosecution services have specialised personnel entrusted with implementation of these national level quality standards.

The Strategy for the Development of the Justice System and Constitutional Justice for 2021-2023, approved by the Decree of the President of Ukraine dated 11 June 2021 No. 231/2021. According to this Strategy, a detailed list of tasks, measures, expected results and indicators for further implementation of the reform of the judiciary, justice system and other legal institutions is reflected in the Action Plan for the implementation of the Strategy, which is approved by the Legal Reform Commission. Development and implementation of the Action Plan should be accompanied by comprehensive discussions involving the public and expert environment. Monitoring the effectiveness of the implementation of the provisions of the Strategy should be determined on the basis of objective, relevant and measurable indicators.

• Regular monitoring of courts and prosecution offices' activities

In Ukraine, there is reportedly a system to regularly evaluate court performance based on the monitored indicators listed below (more frequently than once a year). This evaluation of the court activities is then used for the allocation of resources within the courts by reallocating resources (human/financial resources based on performance).

Equally, there is a system to regularly evaluate public prosecution services' performance based on the monitored indicators listed below (more frequently than once a year). This evaluation of the public prosecution services' activities is then used for identifying the causes of improved or deteriorated performance, reallocating resources (human/financial resources based on performance) and by reengineering internal procedures to increase efficiency.

	Regular assessment	
	Courts	Prosecution offices
Number of incoming cases	✓	✓
Length of proceedings (timeframes)	✓	✓
Number of resolved cases	✓	✓
Number of pending cases	✓	✓
Backlogs	✓	✓
Productivity of judges and court staff / prosecutors and prosecution staff	✓	✓
Satisfaction of court / prosecution staff	✓	✓
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✓	✗
Costs of the judicial procedures	✓	✓
Number of appeals	✓	
Appeal ratio	✓	
Clearance rate	✓	✗
Disposition time	✗	✓
Percentage of convictions and acquittals		✓
Other	✓	✗

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

Monitoring of the waiting time during judicial proceedings	
Within the courts	Yes
Within the public prosecution services	No

In the **judiciary**, there are two kinds of evaluations: obligatory - contains basic indicators that shall be applied on a regular basis (the report is to be published by courts every 6 months and every year on the websites) and complex evaluation - contains indicators in 4 Modules "Judicial Administration," "Timeliness of Trial", "Judicial Decision", "Satisfaction of the court users with the work of the court", applied optionally. The decision to conduct a complex evaluation is an internal choice of the court or a recommendation of the higher courts or judicial self-government bodies.
Basic indicators contain the following: Data from the automated record-keeping system: 1) Number of cases and materials pending at the beginning of the reporting period; 2) Number of cases and materials received during the reporting period; 3) Number of cases and materials reviewed during the reporting period; 4) Number of cases and materials pending at the end of the reporting period; 5) Number of cases and materials pending for more than one year at the end of the reporting period; 6) Actual number of judges. Data according to basic indicators: 1) Number and percentage of cases and materials with a total duration of more than one year; 2) Percentage of cases considered; 3) Average number of cases and materials reviewed per judge; 4) Average number of cases and materials pending during the reporting period per one judge; 5) Average trial time (days); 6) Conducting surveys among citizens participating in court proceedings; 7)Publication of the results of surveys of citizens participating in court proceedings on the court's website; 8) The level of satisfaction with the work of the court by the participants of the trial based on the survey results. Uniform scale from 1 (very bad) to 5 (excellent); 9) Percentage of citizens participating in court proceedings assessing court performance as “good” (4) and “excellent” (5). The system was developed with the international technical assistance provided by the USAID.

Furthermore, the decision of the Council of Judges of Ukraine No. 61 of 16 September 2016 recommended applying the Regulation on the Procedure for Planning the Expenditure of Courts Based on the Expected Result approved by the Chairman of the State Judicial Administration of Ukraine. This planning methodology is based on understandable for society performance indicators of the judiciary, as well as the formula for determining them basing on the budget of the judiciary with the possibility of inverse modelling of performance depending on the allocated financial resources. If according to the results of statistical reporting in some courts deviation of the actual number of resolved model cases from their planned number is found out, by the initiative of the chief spending unit the budget (appropriations approved by the state budget schedule and estimates) are adjusted. Based on the results of statistical reporting on the consideration of court cases during the current budget year, the SJA calculates model budgets of consumption and adjusts expenditures for consumption. Based on the adjustments, the proportional redistribution of planned expenditures in terms of economic classification codes is carried out without changing the state budget outline.

In **Prosecution services**, in accordance with the requirements of the Temporary Instruction on Record Keeping in the Prosecutor's Offices of Ukraine, in order to summarize information on the number of documents processed and the workload of each employee, prosecutor's offices at all levels keep monthly records of incoming, outgoing and internal documents. This information is accumulated and summarized by the prosecutor's office and used to study trends in the state of workflow, make appropriate forecasts, prepare for inspections and provide practical assistance, methodological work, and timely resolve issues of staffing for workflow processes. The results of document circulation accounting are summarized annually by the document management service and used to take measures to improve the organization of work with documents. Accounting of the volume of electronic document circulation is carried out in the automated mode of the IS "EDMS". The issues of organizing the activities of the prosecutor's office in maintaining the Unified Register of Pre-trial Investigations, statistics and its analysis are regulated by the Order of the Prosecutor General dated 17.03.2021 No. 69, which determines the reliability and objectivity of reporting on the work of the prosecutor's office and the state of criminal unlawfulness, preparation of information and analytical materials on these issues. Pursuant to the Order of the Prosecutor General No. 11 dated January 20, 2021 "On Approval of Reporting in Form No. P "Report on the Work of the Prosecutor's Office" and the Instructions for its Compilation", prosecutors prepare administrative quarterly reporting in the form No. P "On the Work of the Prosecutor's Office". In order to ensure a unified record of data on criminal offenses, their perpetrators, and the movement of criminal proceedings, according to the Order of the Prosecutor General No. 299 "On Approval of Forms of Unified Reporting on the Status of Criminal Unlawfulness" dated 30.06.2020, monthly administrative reporting was introduced in the following forms: No. 1 "Unified Report on Criminal Offenses"; No. 2 "Unified Report on Persons Who Committed Criminal Offenses"; No. 5 "Report on Criminal Offenses Committed at Enterprises, Institutions, Organizations, by Type of Economic Activity"; No. 1-ОЗ "Report on the Results of Combating Organized Groups and Criminal Organizations". The reporting form No. 1-LFT "Report on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction", approved by Order of the Prosecutor General No. 110 dated 29.06.2022, records information on the results of the investigation of criminal proceedings on criminal offenses regarding the legalization (laundering) of the proceeds of crime, terrorist financing, proliferation of weapons of mass destruction. This reporting is generated automatically on the basis of information entered into the URPTI regarding registered criminal offenses, persons served with notices of suspicion, and proceedings sent to court (with an indictment, a motion for release from criminal liability, or closure under clause 3-1, part 1, Article 284 of the CPC of Ukraine, etc.) In order to identify trends in the state and structure of crime, the results of the work of prosecutors and pre-trial investigation bodies, statistical data are periodically analysed (clause 2.7 of the Order of the Prosecutor General of Ukraine No. 69 of 03/17/2021). Surveys are also conducted on internal communication and the level of satisfaction with the work of prosecutors. The results of the survey reflected information on general practices of internal communication and the level of satisfaction and motivation of prosecutors, data on the problems of the prosecutor's office that need to be addressed, and current issues of material support and working conditions.

In accordance with the requirements of Article 6 of the Law of Ukraine 'On Prosecutor's Office', prosecutors' offices inform the society about their activities at least twice a year by means of mass media reports. The Prosecutor General personally, at least once a year, must report to the Verkhovna Rada of Ukraine on the activities of the prosecutor's office at a plenary meeting, by providing aggregate statistical and analytical data. The heads of regional and local public prosecutors at an open plenary session of the relevant council, which are invited by media representatives, inform the population of the relevant administrative unit about the results of their activities in this territory by providing aggregate statistical and analytical data at least twice a year.
Information on the activities of the prosecutor's office is also made public in the national and local print media and on official web sites of the prosecutor's office.

According to clause 2 of the Order of the Prosecutor General dated 30.09.2021 No. 309, organizational support for the exercise of powers by the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies in criminal proceedings is carried out in accordance with the competence of independent structural units of prosecutor's offices of the relevant level, which provide
- daily monitoring of the URPTI, systematic monitoring of the Unified State Register of Court Decisions and the Information and Analytical System "Accounting and Statistics of Prosecutor's Offices";
- requesting and studying information on the course and results of pre-trial investigation and court consideration of criminal proceedings, criminal proceedings materials and certified copies of court decisions;
- drafting procedural and other documents on the activities of prosecutors in criminal proceedings, which are submitted for signature to the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies;
- studying, if necessary, the state of compliance with the requirements of the criminal procedural legislation;
- providing information, analytical and methodological support to prosecutors, studying and summarizing the practice of application of legislation;
- preparing and holding meetings on the activities of prosecutors, involving relevant employees of lower-level prosecutor's offices in such meetings;
- fulfil other instructions of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies.
As a rule, prosecutors within the assigned areas of work within their competence carry out a monthly review of all available statistical information in general, including information on the activities of lower-level prosecutor's offices, as well as information from the Unified Register of Pre-trial Investigations.
On a quarterly and annual basis, the said data is studied in more depth, in particular, when planning the work of the respective prosecutor's offices, preparing materials for meetings, including final ones, with the heads of prosecutor's offices, preparing for visits to conduct inspections and provide practical assistance to heads of lower-level prosecutor's offices, during methodological work, as well as for timely optimization of the structure and staffing of each prosecutor's office within the maximum number of prosecutors.

In particular, according to subpara. 9.3, clause 9 of the Order of the Prosecutor General of Ukraine No. 309 dated 30.09.2021, heads of prosecutor's offices of all levels, their first deputies and deputies, in accordance with the distribution of responsibilities and within the powers provided for by the CPC of Ukraine, when determining the prosecutor who will exercise the powers of the prosecutor in a particular criminal proceeding, take into account the number of investigators conducting pre-trial investigation in a particular criminal proceeding, their experience and specialization; the number of criminal proceedings in which the relevant prosecutor exercises the powers of the prosecutor independently and as part of a group of prosecutors, their work experience, specialization; number of prosecutors in a particular criminal proceeding; workload (complexity of criminal proceedings in which the prosecutor exercises procedural control, in particular, multi-episodic nature, publicity, gravity of the criminal offense, place of commission, need for priority, urgent investigative (detective) and covert investigative (detective) and other procedural actions, their scope and participation of the prosecutor in consideration of motions and complaints by investigating judges during pre-trial investigation, term of pre-trial investigation and preventive measure against the suspect, need for preparation of the prosecutor's report). In addition, based on the performance assessment, issues of optimizing the structure and staffing of each prosecutor's office within the maximum number of prosecutors are resolved. At the same time, it should be noted that according to Article 90 of the Law of Ukraine "On the Prosecutor's Office", the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period. At the same time, the "assessment of the performance of the prosecution bodies" does not directly affect the distribution of financial resources within the prosecution body. According to Article 90 of the Law, the prosecution is financed in accordance with the estimates and monthly expenditure schedules approved by the Prosecutor General within the annual amount of expenditures provided for in the State Budget of Ukraine for the current budget period. The "Performance Assessment of the Prosecutor's Office" does not directly affect the allocation of resources within the prosecutor's office.

• Quantitative targets for each judge and prosecutor

Existence of quantitative targets for:	Judges	✗	Prosecutors	✗

The responsibility for setting up quantitative targets for judges lies on:	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✗
President of the court	✗
Other:	✗

The responsibility for setting up quantitative targets for public prosecutors lies on:	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✗
Public prosecutorial Council	✗
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

Consequences for not meeting the targets		For judges	For public prosecutors
Without disciplinary procedure	Warning by court's president/ head of prosecution	NAP	NAP
	Temporary salary reduction	NAP	NAP
	Reflected in the individual assessment	NAP	NAP
	Other	NAP	NAP
With disciplinary procedure	Warning by court's president/ head of prosecution	NAP	NAP
	Temporary salary reduction	NAP	NAP
	Reflected in the individual assessment	NAP	NAP
	Other	NAP	NAP
No consequences		NAP	NAP

In respect of **judges**, while there are reportedly no targets, the quantitative factor is taken into account within the qualification assessment of judges, when the record of a judge is studied. According to the Law of Ukraine On the Judiciary and Status of Judges, the record of a judge shall include information on the effectiveness of judicial proceedings, in particular: a) the total number of cases considered; b) the number of cancelled court decisions and the grounds for their cancellation; c) the number of decisions that became the basis for making decisions by international judicial institutions and other international organizations, which established the violation of Ukraine's international legal obligations; d) the number of amended court decisions and the reasons for their change; e) observance of terms of consideration of cases; f) average length of the text of the motivated decision; g) judicial burden compared with other judges in the relevant court, region, taking into account the nature of the instance, the specialization of the court and the judge.

In respect of **prosecutors**, the organizational and administrative documents of the Office of the Prosecutor General do not provide for the establishment of minimum quantitative goals for each prosecutor. At the same time, according to part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the procedure for measuring and regulating the workload of prosecutors. The Prosecutor General's Development Strategy for 2021-2023 (clause 2.3), approved by the Order of the Prosecutor General No. 489 of October 16, 2020, provides for the development and implementation of a system for measuring and regulating the workload of prosecutors as one of the main criteria for evaluating their performance.

• System of individual evaluation of the judges and public prosecutors' work

		Judges	Prosecutors
Existence of a system of individual evaluation	Quantitative work	✓	✗
	Qualitative work	✗	✓

Responsibility for setting up the criteria qualitative targets for judges	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✗
President of the court	✗
Other	✓

Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✓
Public prosecutorial Council	✗
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

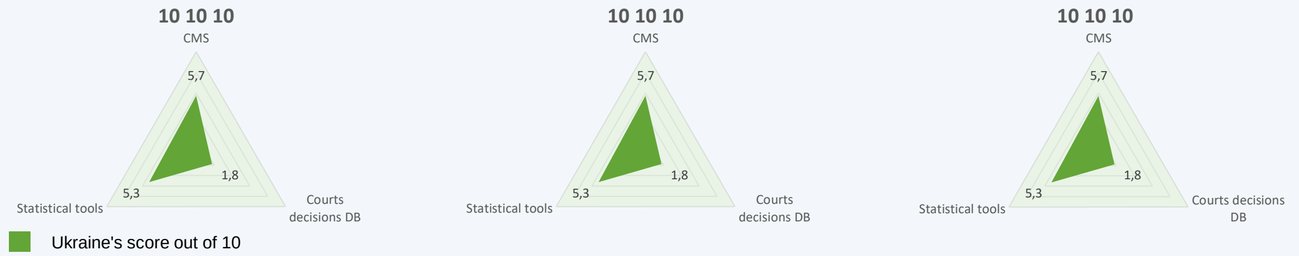
Frequency of this assessment	For judges	For public prosecutors
Annual	✗	✓
Less frequent	✓	✗
More frequent	✗	✗

In respect of **judges**, regulations on the procedure and methodology of qualification assessment, indicators of compliance with the qualification assessment criteria and means of their establishment are in place. These include: 1. The qualification assessment is carried out on the basis of the application of a judge (candidate for the position of a judge) submitted for participation in the competition for a vacant position of a judge or the decision of the Commission; 2. The qualification assessment of a judge in connection with the imposition of a disciplinary sanction is conducted in case of disciplinary sanction imposed on a judge under paragraph 4 of part one of Article 109 of the Law: 3. The organization and conduct of the qualification assessment of a judge to confirm the judge's compliance with the position held shall be carried out in accordance with the rules established by this Regulation, taking into account the peculiarities provided for in this section.

In respect of **prosecutors**: According to clauses 7-2 of part 1 of Article 9 of the Law of Ukraine "On the Prosecutor's Office", the Prosecutor General approves the regulations on the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors. There is no quantitative system of individual performance evaluation of prosecutors. At the same time, the quality of prosecutors' work for the calendar year is assessed annually. Such evaluation is carried out in accordance with the Temporary Regulation on the System of Performance Evaluation of Prosecutors and Bonuses for Prosecutors, approved by the Order of the Prosecutor General No. 503 dated October 30, 2020 (hereinafter - the Temporary Regulation). In addition, the Prosecutor General's Order No. 407 of 29.12.2021 approved the Regulation on the Performance Evaluation System for Prosecutors, which comes into force on January 1, 2024, and is currently being implemented in a test mode in certain prosecution authorities. This Regulation defines the procedure for evaluating the performance of prosecutors of the Prosecutor General's Office, the Specialized Anti-Corruption Prosecutor's Office, regional, specialized (with the rights of regional), district, and specialized (with the rights of district) prosecutor's offices, as well as the procedure and conditions for annual bonuses for prosecutors based on the results of such evaluation. The performance appraisal of prosecutors is carried out in order to determine the effectiveness of the performance of their official duties; to motivate prosecutors to improve their professional development; to ensure the effective achievement of goals in the implementation of the prosecution development strategy; and to improve the quality of personnel management in the prosecution bodies. The performance evaluation system for prosecutors consists of assessing the quality of work and identifying areas for professional development. Currently, annual performance appraisals are conducted in a test mode in certain structural units of the Prosecutor General's Office and some regional and district prosecutor's offices. By the Order of the Prosecutor General No. 295 dated 29.12.2022, the said evaluation was extended in a test mode for 2023. The reason for conducting the evaluation in a test mode is the need to automate the process, namely the development of an electronic human resources management system for prosecutors (e-HR), which includes the performance evaluation system for prosecutors. In addition, the working group on the development and implementation of the system of individual performance evaluation of prosecutors and the system of performance evaluation of prosecutors, which includes, inter alia, international experts/partners and representatives of the Specialized Anti-Corruption Prosecutor's Office, developed and approved the concept of the system of individual performance evaluation of prosecutors and the criteria for such evaluation for procedural supervisors. The assessment will cover the prosecutor's professional ethics and behaviour, functional and managerial competencies, work results (workload), and business activity.

Information and communication technology tools in Ukraine in 2023 (Indicator 3.3)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



In Ukraine, the overall maximum score among the three ICT indexes is achieved by the CMS index (5,7); while overall lowest score was calculated for the Courts decisions DB index (1,8). All matters have the same scores for the CMS index (5,7), Statistical tools index (5,3) and court decisions database (1,8).

In Ukraine, there is an overall Information and Communication Technology (ICT) strategy in the judicial system and there were reportedly plans for a significant change in the present IT system in the judiciary in 2023.

In order to ensure compliance with the requirements of the Laws of Ukraine "On the Judiciary and Status of Judges", "On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" and "On the National Informatization Program", the SJA of Ukraine approved the sectoral Program of Informatization of Local and Appellate Courts and the project for the construction of the Unified Judicial Information and Telecommunication System for 2022-2024. In addition, in accordance with the Law of Ukraine "On the Principles of State Anti-Corruption Policy for 2021-2025", the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by Resolution No. 220 dated 04.03.2023, which designated the SJA of Ukraine to implement measures for the development and comprehensive implementation of the implemented UJITS subsystems and existing automated systems. The SJA of Ukraine continues to develop and implement a modern IT system for the judiciary. Thus, based on the results of the technical audit of the Unified Judicial Information and Telecommunication System in 2023, with the help of international technical assistance, the SJA is analysing and preparing an act to implement the findings of the EU Pravo Justice Project in Ukraine. In addition, by October 2024, it is planned to complete a functional audit of the judiciary's IT system, develop the Concept and Terms of Reference for the electronic case management of the judiciary. Moreover, measures to support the already implemented UJITS subsystems will be continued: Electronic Cabinet, Electronic Court, and Videoconferencing.

In 2023 there were 3 case management systems (CMS), e.g. software used for registering judicial proceedings and their management, which have been developed more than 10 years ago. According to clause 1.4. of the Regulation on the Automated Court Document Management System - "Peculiarities of the Automated System Functioning in Courts of General Jurisdiction" provides that in local and appellate administrative courts, the High Administrative Court of Ukraine, the computer program "Record Keeping of a Specialized Court" developed by the administrator of the automated system for courts of administrative jurisdiction is used; local and appellate commercial courts, the High Commercial Court of Ukraine use the computer program "Specialized Court Proceedings" developed by the administrator of the automated system for commercial courts; local and appellate general courts (except for the Kyiv City Court of Appeal) use the D-3 computer program developed by the administrator of the automated system for general courts. The Kyiv City Court of Appeal uses the automated electronic document management system "Appeal" developed by the Kyiv City Court of Appeal.

• Electronic case management system

The CMS is developed and deployed in all courts and in all inquired upon matters. The data is not stored on a database consolidated at national level.

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/ resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	95-100 %	95-100 %	✗	✗	✓	✓	✓	✓	✓	NAP	✓	✗	✗	✗	✓	✗
Administrative	95-100 %	95-100 %	✗	✗	✓	✓	✓	✓	✓	NAP	✓	✗	✗	✗	✓	✗
Criminal	95-100 %	95-100 %	✗	✗	✓	✓	✓	✓	✓	✗	✓	✗	✗	✗	✓	✗

• Database of court decisions

The database of court decisions is reportedly available and its deployment rate is 95-100% for all instances and matters. The court decisions are published online (i.e.. on a public website) and from the inquired upon functionalities of the database only free public online access is reported as being in place in all three matters.

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Civil	95-100 %	Published online (public website)	95-100 %	Published online (public website)	95-100 %	Published online (public website)	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗
Administrative	95-100 %	Published online (public website)	95-100 %	Published online (public website)	95-100 %	Published online (public website)	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗
Criminal	95-100 %	Published online (public website)	95-100 %	Published online (public website)	95-100 %	Published online (public website)	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗

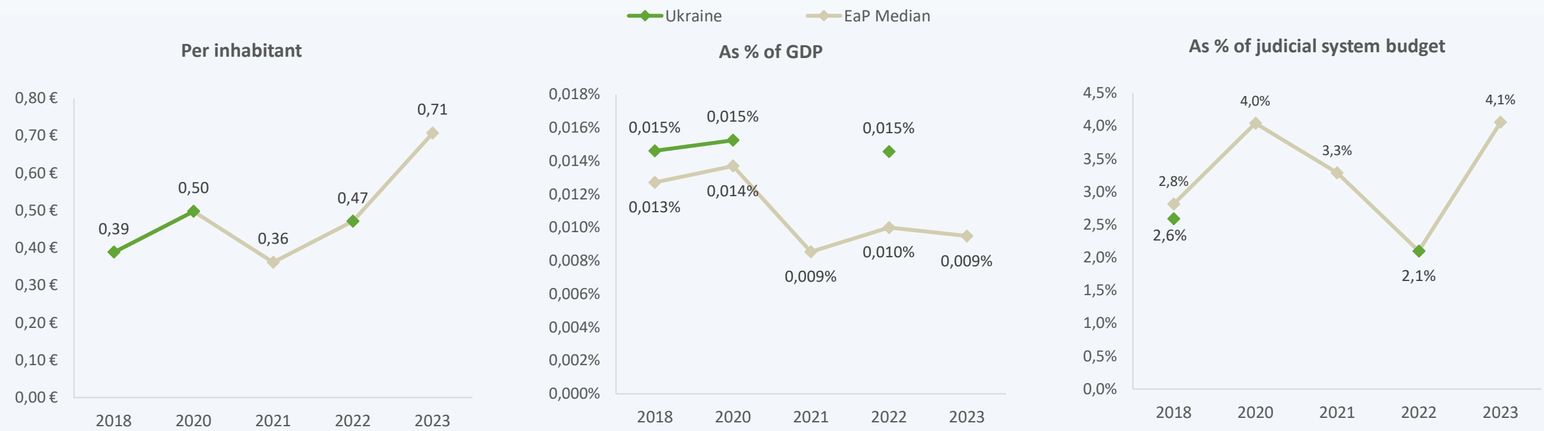
• Statistical tools

The statistical tools are reported as developed in all courts (deployment rate is 95-100% for all matters). Among their functionalities, the integration with the CMS, generation of predefined statistical reports, external page with statistics are reported as being in place. In terms of data availability for statistical analysis all functionalities are reported to be in place except the nr of hearings and the nr of parties in a case.

	Deployment rate	Functionalities									Data available for statistical analysis								
		Integration/ connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved, pending)	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Civil	95-100 %	✓	✗	✓	✗	✗	✓	✗	✗	✗	✓	✓	✓	✗	✓	✓	✗	✓	✓
Administrative	95-100 %	✓	✗	✓	✗	✗	✓	✗	✗	✗	✓	✓	✓	✗	✓	✓	✗	✓	✓
Criminal	95-100 %	✓	✗	✓	✗	✗	✓	✗	✗	✗	✓	✓	✓	✗	✓	✓	✗	✓	✓

Legal Aid in Ukraine in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2018 and 2023



Number of cases for which LA has been granted in 2023

1,63

per 100 inhabitants

EaP Median: 0,72

EaP Median: 0,72

The data for implemented legal aid budget was reported as non-available for 2023, hence no analysis is possible. There were 1,63 cases per inhabitant for which legal aid has been reportedly granted, which is considerably above the EaP Median in 2023.

• Organisation of the legal aid system

By Law, the state legal aid system includes the following 2 types of such aid: (1) Primary legal aid is a type of state guarantee, which is to inform a person of his or her rights and freedoms, for its application, restoration in case of their violation and procedure for appealing against decisions, actions or inactions of the state bodies, local self-government bodies, officials and servants. Primary legal aid includes the following types of legal services: providing legal information; providing consultations and clarifications on legal issues; assistance in lodging appeals, claims and other documents of legal nature (except court procedural documents); providing assistance in ensuring access of a person to secondary legal aid and mediation. The right to obtain primary legal aid according to the Constitution of Ukraine and the Law of Ukraine “On the Legal Aid” have all individuals, who are under the jurisdiction of Ukraine. (2) Secondary legal aid is the type of state guarantee which is to create equal opportunities for access to justice by persons. Secondary legal aid includes the following types of legal services: protection; representation of interests of persons in courts, other state governmental bodies, self-government bodies, before other persons; drafting of court procedural documents.

Legal aid is applied to:

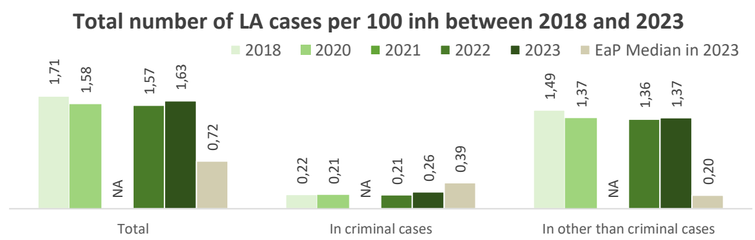
	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

• Implemented budget for legal aid and number of cases for which legal aid has been granted

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2018 - 2023	Cases brought to court (a)	Cases not brought to court (b)	Ukraine	EaP Median	Ukraine	EaP Median	Ukraine	EaP Median
Total (1+2)	NA	NA	NA	NA	NA	0,71 €	NA	0,009%	NA	4,1%
In criminal cases (1)	NA	NA	NA	NA						
In other than criminal cases (2)	NA	NA	NA	NA						

The data on the implemented budget for legal aid as reported as not available for 2023, hence no analysis is possible thereof.

	Number of cases for which legal aid has been granted					Amount of LA granted per case (€)		
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2018 - 2023					
Total (1+2)	669 045	1,63	-4,4%	160 918	508 127	NA	NA	NA
In criminal cases (1)	105 391	0,26	18,9%	105 391	NAP	NA	NA	NA
In other than criminal cases (2)	563 654	1,37	-7,8%	55 527	508 127	NA	NA	NA

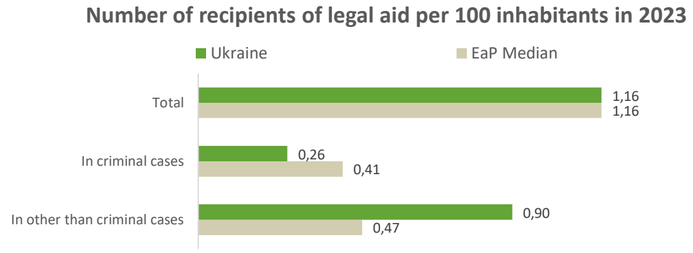


In 2023, legal aid cases amounted to a total of 669 045, which is -4,4% less compared to 2018. The majority of cases appear to be in other than criminal cases (563 654). From the category of cases brought to court, the majority are criminal cases (105 391). All cases not brought to court concern other than criminal cases. The total cases per 100 inhabitants is 1,63, considerably above the EaP Median in 2023.

The Legal Aid Bureau is an all-Ukrainian network of points of access to legal aid, active dissemination of legal information and access to legal advice at the territorial community level. The column "Cases brought to court" provides statistical information on the number of issued instructions for secondary legal aid in criminal cases and information on the number of issued orders for secondary legal aid in non-criminal cases. The column "Cases not brought to court" provides statistical information on the provision of free primary legal aid. In addition to the above, authorities also shared that in 2023 legal assistance was provided to citizens and businesses affected by the war and its consequences within the framework of an Ukrainian Bar Association's (UBA) Hotline project.

• Number of recipients of legal aid

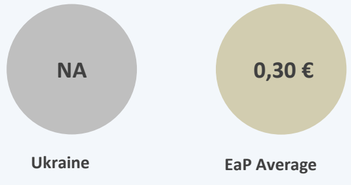
	Number of recipients of legal aid					Amount of LA granted per recipient (€)		
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	EaP Median					
Total (1+2)	473 994	1,16	1,16	149 974	324 020	NA	NA	NA
In criminal cases (1)	104 882	0,26	0,41	104 882	NAP	NA	NA	NA
In other than criminal cases (2)	369 112	0,90	0,47	45 092	324 020	NA	NA	NA



In 2023, there were 473 994 recipients of legal aid, the majority in other than criminal cases. This means 1,16 recipients of legal aid per 100 inhabitants, which is on a par with the EaP median in 2023. From the cases brought to court, the majority of recipients were in criminal cases.

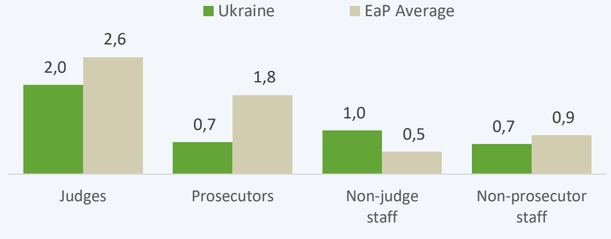
Training of judges and prosecutors in Ukraine in 2023 (Indicator 7)

Total budget for training per inhabitant

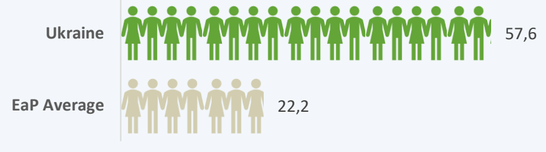


Average number of live training participations per professional

Please see the definition of the indicator on page 2.



Average number of participants per delivered training



In 2023, 43 128 participants (of which 9 659 judges and 6 659 prosecutors) were trained in 749 live trainings (in-person, hybrid or video conferences).

There were 14 596 participants in internet-based trainings. Thus the participation in live trainings is higher than the participation in internet-based trainings.

In Ukraine, each judge participated, on average, to 2 live trainings in 2023, which was below the EaP Average (2,6) while each prosecutor participated, on average, to 0,7 live trainings, less than the EaP Average (1,8).

Regarding the internet-based trainings (not-live), 82 trainings in total were provided on the e-learning platform of the training institution for judges and prosecutors (14 596 total participants). The data on trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.) was reported as NA.

In Ukraine, both judges and prosecutors are required to attend in-service compulsory training, yet for 2023 it was not possible for authorities to report on its duration (see below).

• Budget for training

This part analyses the budget of training institution/s for judges and prosecutors but also the budgets of courts and prosecutions dedicated to training (when applicable). Given the NA for the budget of the courts allocated to training (2), no analysis for 2023 is possible.

	Budget of the training institution(s) (1)	*% of budget of the training institution(s) covered by external donors*	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)								
				Absolute Number	Evolution of training budget per inhabitant					% Variation 2018 - 2023	% Variation 2022 - 2023	EaP Average per inhabitant
					2018	2020	2021	2022	2023			
Total	3 853 259 €	*1,4%*	NA	NA	0,18 €	0,17 €	0,17 €	NA	NA	NA	NA	0,30 €
Judges	2 032 233 €	*1,4%*	NA	NA								
Prosecutors	1 821 026 €	*0,0%*	1 692 900 €	3 513 926 €								
One single institution for both judges and prosecutors	NAP	*NAP*		NAP								

• Number of in-service live trainings and participants

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2023)								
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days			Average number of participants per delivered training	
					Ukraine		EaP Average	Ukraine	EaP Average
Total	586	749	1 395	43 128	1,9	<	2,4	57,6 >	22,2
Judges	110	186	358	9 659	1,9	>	1,6	51,9 >	17,5
Prosecutors	127	163	188	6 659	1,2	<	3,3	40,9 >	33,2
Non-judge staff	324	369	758	23 656	2,1	<	2,9	64,1 >	31,4
Non-prosecutor staff	25	31	91	3 154	2,9	<	5,2	101,7 >	53,2

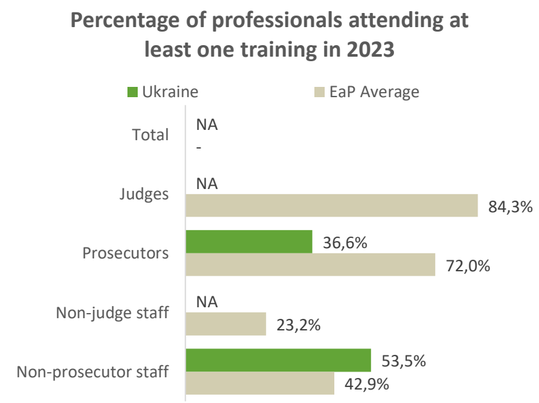
CEPEJ distinguishes these types of trainings:
"A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).
"Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Key:		
	>	Higher than the EaP Average
	=	Equal to the EaP Average
	<	Lower than the EaP Average

In 2023, the average duration of trainings for judges in Ukraine was 1,9 days (above the EaP Average of 1,6). During the same period, the average duration of training for prosecutors was 1,2 days, which was well below the EaP Average of 3,3 days.

Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional			Professionals attending at least one training (unique participants)			
				Number	% of total professionals by category		
	Ukraine		EaP Average		Ukraine		EaP Average
Total	1,0	=	1,0	NA	NA		-
Judges	2,0	<	2,6	NA	NA		84,3%
Prosecutors	0,7	<	1,8	3 372	36,6%	<	72,0%
Non-judge staff	1,0	<	0,5	NA	NA		23,2%
Non-prosecutor staff	0,7	<	0,9	2 491	53,5%	>	42,9%



Average number of live training participations per professional

This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the EaP Average for judges is 2,6. This means that, on average, each judge in the region participated to 2,6 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

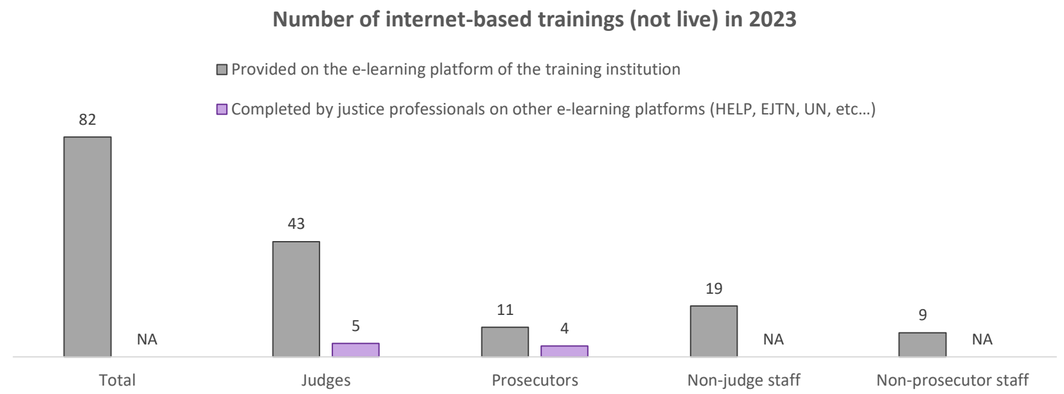
In terms of average participations in live trainings, the highest was for judges (2 live training participations per judge). Hence, compared to the other professionals, Ukraine gave priority to the trainings for judges, like the rest of the region (the EaP Average number of participations per judge on live trainings was 2,6).

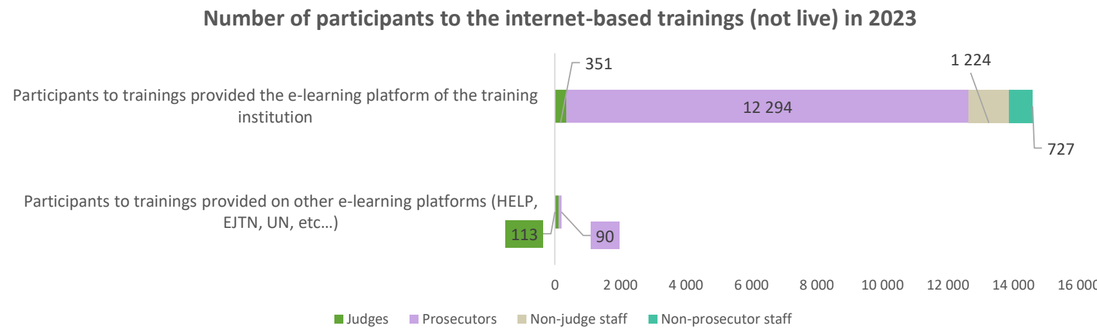
• Number of in-service internet-based trainings and participants

	Number of internet-based trainings (not live) in 2023			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc…)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	82	14 596	NA	NA
Judges	43	351	5	113
Prosecutors	11	12 294	4	90
Non-judge staff	19	1 224	NA	NA
Non-prosecutor staff	9	727	NA	NA

A total of 82 internet-based trainings on the e-learning platform of the national training institution were reported in 2023 (14 596 participants). The greatest number of participants were reported for prosecutors (11 trainings with 12 294 participants), followed by for non-judge staff (19 trainings with 1 224 participants), and judges (43 trainings reaching 351 participants).

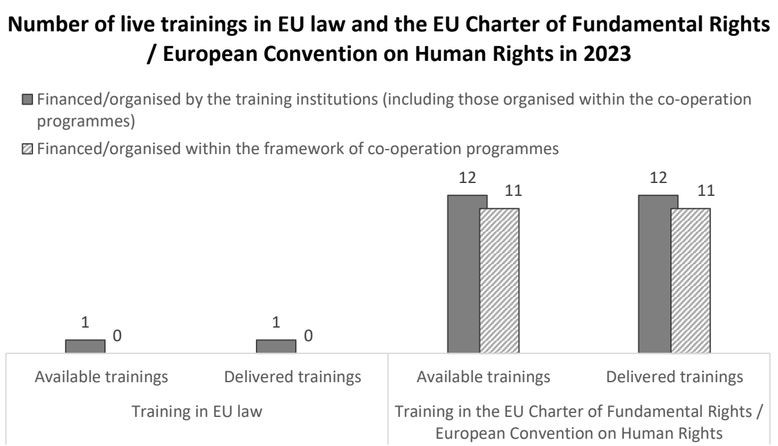
At the same time on other e-learning platforms, judges completed 5 trainings (113 participants); prosecutor completed 4 trainings (90 participants).





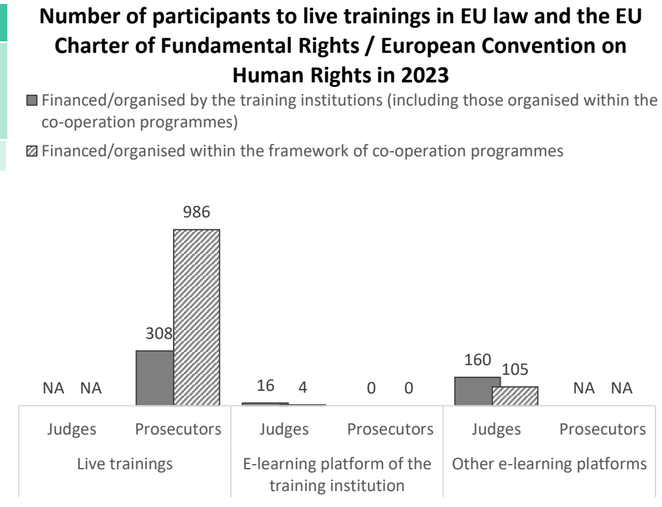
• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Live trainings (2023)				
Number of available live trainings	1	NA	12	11
Number of delivered live trainings	1	NA	12	11
Number of delivered live training in days	1	NA	24	12
Internet-based trainings(2023)				
Provided on the e-learning platform of the training institution (not live)	1	0	8	4
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc…)	-	NA	-	NA



Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc…)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	NA	308	NA	282	16	0	160	NA
Within the framework of co-operation programmes	NA	986	NA	381	4	0	105	NA

Participation shall be understood as one attendance of a person to a training.



Reportedly, there was 1 live and 1 non-live training in EU law organised by the national training institution. 12 live trainings were organised by the national training institution and 11 within the framework of co-operation programmes on EU Charter on Fundamental Rights/ECHR; and 8 internet based trainings were organised by the national training institution and 4 within co-operation programmes and on EU Charter on Fundamental Rights/ECHR

• Type and frequency of trainings

		Judges		Prosecutors	
		Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
	Initial training	Compulsory		Compulsory	
In-service training	General	Compulsory	Regularly	Compulsory	Occasional
	Specialised judicial functions	Compulsory	Regularly	Optional	Occasional
	Management functions of the court	Compulsory	Regularly	Optional	Occasional
	Use of computer facilities in courts	Optional	Occasional	Optional	Occasional
	On ethics	Optional	Occasional	Compulsory	Regularly
	On child-friendly justice	Optional	Occasional	Compulsory	Regularly
	On gender equality	Optional	Occasional	Optional	Occasional
	On prevention of corruption	Optional	Occasional	Compulsory	Regularly
	On conflicts of interest	Optional	Occasional	Compulsory	Regularly
	Other	Optional	Occasional	Optional	Occasional

The Law of Ukraine "On the Judiciary and the Status of **Judges**" does not stipulate the number of trainings for judicial candidates. The number of trainings is stipulated in the Program and Curriculum approved by the High Qualification Commission of Judges of Ukraine in accordance with the Law. The program is created for each course of recruitment of judges.

According to part two of Article 19 of the Law of Ukraine "On the Prosecutor's Office" (hereinafter - the Law), the **prosecutor** is obliged to improve his or her professional level and to improve his or her qualifications for this purpose. The prosecutor periodically undergoes training at the Training Centre of Prosecutors of Ukraine, which should include studying the rules of prosecutorial ethics. Article 80 of the Law stipulates that the Training Centre of Prosecutors of Ukraine shall provide advanced training for prosecutors. Continuous professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200. Clause 5 of Section I of the Regulation stipulates that training at the Training Centre of Prosecutors of Ukraine is the main form of professional development. Section V of the Regulations regulates training (education) at the Training Centre. In particular, training of prosecutors in the Training Centre for Prosecutors of Ukraine (hereinafter - TCPU) is provided in the form of training courses/trainings and consists in improving (obtaining new) professional knowledge and skills, developing personal competence of the prosecutor, studying the rules of prosecutorial ethics and requirements of anti-corruption legislation.

Prosecutors (contd): Depending on the prosecutors' need for advanced training or acquisition of new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices. Catalogs of training programs (trainings) for prosecutors and calendar plans of training courses/trainings are posted on the official website of the TCPU, the online professional development platform, and are immediately sent to the personnel unit of the Office of the Prosecutor General, regional prosecutor's offices, the content of which is also communicated to prosecutors. In view of the above, prosecutors are not limited to professional development only on professional ethics or compliance with anti-corruption legislation. In addition, according to Articles 29 and 33 of the Law, the procedure for selecting candidates for the position of a district prosecutor includes special training, which consists of initial training (2 months, conducted by the Training Centre for Prosecutors of Ukraine) and internship (6 months, conducted at the relevant district prosecutor's office).

According to clause 2, part V of the Regulation on the system of advanced training of prosecutors, approved by the Order of the Prosecutor General No. 200 of 15.06.2021, training of prosecutors at the Training Centre for Prosecutors of Ukraine is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation.

According to the same Order, the in-service training of prosecutors is carried out on the basis of compulsory, continuous (i.e., continuously throughout the entire period of the prosecutor's tenure in certain forms) and periodicity in the TCPU (at least once every 4 years). Self-study is a continuous form of in-service training for prosecutors. According to part two of Article 19 of the Law of Ukraine "On the Public Prosecutor's Office", a prosecutor is obliged to improve his/her professional level and to improve his/her qualification for this purpose.

Continuous professional development is an integral part of the duties of each prosecutor and is carried out taking into account individual needs for professional development, as defined by the Regulation on the system of advanced training of prosecutors (hereinafter - the Regulation), approved by the order of the Prosecutor General dated 15.06.2021 No. 200. Article 80 of the Law stipulates that the training of prosecutors is carried out by the Training Centre of Prosecutors of Ukraine. In particular, the training of prosecutors at the TCPU is provided in the form of training courses/trainings and consists in improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. Depending on the need for prosecutors to improve their skills or acquire new knowledge and skills, the prosecutor independently chooses a training course from the Training Catalog for Prosecutors, which is developed by the TCPU taking into account the practical needs of prosecutorial activity based on analytical studies of the TCPU and proposals of the Office of the Prosecutor General, regional and district prosecutor's offices. The periodicity of prosecutors' advanced training in the TCPU is determined by the number of points they must obtain within 48 months (4 years). According to clause 3 of Section V of the Regulation, a prosecutor is considered to have completed the in-service training in the TCPU if he or she has gained 60 points as a result of participation in training courses/trainings within 48 months,

The training of prosecutors in the TCPU is provided in the form of training courses/trainings and consists of improving (acquiring new) professional knowledge and skills, developing the personal competence of the prosecutor, studying the rules of prosecutorial ethics and the requirements of anti-corruption legislation. The number of credit points for each training course/training is determined by the TCPU depending on its subject matter, complexity and duration. Training at the TCPU is conducted in full-time, distance and online forms. Prosecutors independently select trainings from the Catalog of Training Programs for Prosecutors, taking into account the practical needs of their work. Every year, prosecutors take distance courses on ethics and anti-corruption. Mandatory trainings have been introduced for some specializations of prosecutors. In particular, in accordance with the Order of the Prosecutor General No. 509 dated 04.11.2020 "On Peculiarities of Performing the Functions of the Prosecutor's Office on Protection of Children's Interests and Combating Violence", juvenile prosecutors are required to undergo training in their specialization at the Training Centre for Prosecutors of Ukraine and receive a document on completion of special training.

In Ukraine, **sanctions are foreseen** if judges and prosecutors do not attend the compulsory training sessions. A **judge** may be brought to disciplinary responsibility in disciplinary proceedings on the following grounds (para 14 part 1 art. 106 On Judiciary and status of Judges):
"1. A judge may be brought to disciplinary liability in disciplinary proceedings on the following grounds: 14) failure to complete a training course at the National School of Judges of Ukraine in accordance with the referral determined by the body conducting disciplinary proceedings against judges, or failure to undergo further qualification assessment to confirm the judge's ability to administer justice in the relevant court, or failure to confirm the judge's ability to administer justice in the relevant court based on the results of this qualification assessment;"
The participation of **prosecutors** in professional development activities, including advanced training, is one of the components of the performance evaluation system for prosecutors in accordance with the Regulation on the Performance Evaluation System for Prosecutors, approved by Order of the Prosecutor General No. 407 of 29.12.2021. In addition, violation of the requirements of the law and bylaws that provide for the prosecutor's obligation to improve his or her qualifications may be grounds for bringing the prosecutor to disciplinary responsibility. At the same time, given that the Regulation on the system of advanced training of prosecutors, approved by the Order of the Prosecutor General No. 200 dated 15.06.2021, entered into force on 15.06.2021, legal consequences for prosecutors for violating the requirements for advanced training in the TCPU (obtaining 60 credits within 4 years) may be applied after 15.06.2025.

In terms of **specialised training**: Prosecution offices have prosecutors specially trained in dealing with cases on domestic violence and sexual violence. In addition to the above, in accordance with the Order of the Prosecutor General of 04.11.2020 No. 509 "On the peculiarities of performing the functions of the prosecutor's office on protecting the interests of children and combating violence", the prosecutor's functions on protecting the interests of children and combating violence are performed in the Office of the Prosecutor General and regional prosecutor's offices by the units for protecting the interests of children and combating violence; in local (district) prosecutor's offices, they are entrusted to prosecutors specially authorized by the head to perform these prosecutorial functions (juvenile prosecutors). Juvenile prosecutors are a category of prosecutors who have received special training on domestic and sexual violence. The Training Centre for Prosecutors of Ukraine also periodically conducts trainings on domestic and sexual violence for other categories of prosecutors, including as part of training courses on procedural guidance and public prosecution.

• Minimum number of compulsory trainings

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	NA	NA	NA	NA
Prosecutors	NA	60	NA	NA

Initial training for judges: The Law of Ukraine "On the Judiciary and the Status of Judges" does not stipulate the number of trainings for judicial candidates. The number of trainings is stipulated in the Program and Curriculum approved by the High Qualification Commission of Judges of Ukraine in accordance with the Law. The program is created for each course of recruitment of judges. Special training for judicial candidates was conducted in 2018 and 2019. No special training was conducted in 2020-2023, as there was no course of recruitment of judges. The same issue concerns the number of days. Mandatory (once every 3 years). The training lasts 40 hours (or 5 days) and consists of lectures and workshops. However, the number of trainings within the training program is not regulated (i.e., it can be from 1 to 2–3 trainings).
The **prosecutor's qualification advancement** in the TCPU is carried out periodically: within 48 months, based on the results of participation in training courses/trainings, the prosecutor must gain 60 credits.

• Quality of judicial training

Ukraine identifies (collects information about) future in-service training needs via:

Target audience itself	✓	Relevant judicial institutions	✗
Previous participants in trainings	✓	Ministry of Justice	✗
Trainers	✓	Other	✗
Courts/prosecutor's offices	✓		

Future in-service **training needs** are reportedly assessed annually.

In respect of **Prosecutors**: the needs for topics and forms of training for prosecutors are determined taking into account the practical needs of prosecutorial activity based on analytical studies of experts of the Training Centre for Prosecutors of Ukraine and proposals of the Prosecutor General's Office, regional and district prosecutor's offices. In the process of determining the training needs, the results of the analysis of various sources of information are also used (monitoring of case law, training events, social networks on specialized topics, etc.), data from surveys of prosecutors' focus groups, changes in legislation and practice of prosecutorial activity, and Ukraine's commitments to provide training to prosecutors in certain areas.

In Ukraine, in-service trainings (seminars, workshops, round tables) are **evaluated** immediately and 3-6 months after the training has been delivered by using a combination Kirkpatrick and other training evaluation models. The training is evaluated on the basis of information obtained from several forms of feedback from the participants and trainers, including questionnaires, feedback, and evaluation forms filled out 6 months after the training. The surveys are anonymous, and participants are informed that the surveys are conducted to improve the organization of trainings and their content. For certain types of training, including evaluation of distance learning courses and initial training of trainee prosecutors of the district prosecutor's office, so-called "final control forms" are used.

The result of the training evaluation process is used:

To prepare a training evaluation report with recommendations	✓	To suppress a training course	✗
To improve the training course which, according to the report, needed improvements	✓	To introduce a new course	✓
To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated	✓	Other	✗

Alternative Dispute Resolution in Ukraine in 2023 (Indicator 9)

Legal aid for court-related mediation or related mediation provided free of charge	✓
Court-related mediation procedures	✓
Mandatory informative sessions with a mediator	✗
Mandatory mediation with a mediator	✗

Mediators

NA

per 100 000 inhabitants

EaP Average: 13,2

Total number of court-related mediations

Number of cases for which the parties agreed to start mediation	NA
Number of finished court-related mediations	NA
Number of cases in which there is a settlement agreement	NA

Courts in Ukraine are obliged to inform the parties about the possibility to have recourse to mediation. Legal aid is reportedly available for court-related mediation. Data was not available for 2023 on the number registered mediators and the number of court-related mediation cases to enable an analysis thereof.

• Court-related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

The procedural law provides for the obligation of the court to inform the parties about the possibility of mediation. Articles 49 of the Civil Procedure Code of Ukraine and 46 of the Commercial Procedure Code of Ukraine stipulate that the parties may reconcile, including through mediation, at any stage of the court proceedings. The result of the parties' agreement may be formalized in a settlement agreement. In turn, Article 47 of the Code of Administrative Procedure of Ukraine provides that the parties may reach reconciliation, including through mediation, at any stage of the court proceedings, which is the basis for closing the administrative case. At the preparatory hearing, the court finds out whether the parties wish to settle the dispute out of court through mediation. The court may adjourn the preliminary hearing if necessary, in particular if the parties agree to settle the dispute out of court through mediation (197-198 of the Civil Procedure Code, 182-183 of the Commercial Procedure Code, 180, 183 of the Administrative Procedure Code. The court is obliged to suspend the proceedings if both parties file a motion to suspend the proceedings in connection with mediation. The proceedings are suspended for the duration of the mediation, but not more than ninety days from the date of the court's decision to suspend the proceedings.(251, 253 of the Civil Procedure Code, 227, 229 of the Commercial Procedure Code). In administrative proceedings, the court suspends the proceedings if both parties file a motion to provide them with time for reconciliation, including through mediation, until the expiration of the term stated by the parties in the motion (Article 236 of the CAP). The settlement agreement concluded by the parties is approved by a court ruling, the operative part of which specifies the terms of the agreement. By approving the settlement agreement, the court simultaneously closes the proceedings in the case by the same ruling (Articles 207 of the Civil Procedure Code, 192 of the Commercial Procedure Code).

If the parties agree to enter into a settlement agreement, the plaintiff withdraws from the claim or the defendant recognizes the claim as a result of mediation, the court shall decide in a relevant ruling or decision in accordance with the procedure established by law to refund 60% of the court fee paid when filing the claim to the plaintiff from the state budget (Articles 142 of the Civil Procedure Code, 130 of the Commercial Procedure Code). The procedure for mediation is defined by the Law of Ukraine "On Mediation".

There is also a separate procedure for dispute resolution with the participation of a judge. Articles 201-205 of the Civil Procedure Code of Ukraine, 186-190 of the Commercial Procedure Code of Ukraine, 184-188 of the Administrative Procedure Code of Ukraine provide for the dispute resolution procedure with the participation of a judge. Dispute resolution with the participation of a judge is carried out with the consent of the parties before the commencement of the case on the merits. The court shall issue a ruling on the dispute resolution procedure with the participation of a judge, which simultaneously suspends the proceedings in the case. Dispute resolution with the participation of a judge shall be carried out in the form of joint and (or) closed meetings. The parties have the right to participate in such meetings by video conference. Joint meetings shall be held with the participation of all parties, their representatives and the judge. Closed meetings are held at the initiative of the judge with each of the parties separately. At the beginning of the first joint dispute resolution meeting, the judge shall explain to the parties the purpose, procedure for dispute resolution with the participation of the judge, rights and obligations of the parties. During the joint meetings, the judge shall clarify the grounds and subject matter of the claim, the grounds for objections, explain to the parties the subject matter of proof for the category of dispute under consideration, invite the parties to submit proposals for the amicable settlement of the dispute and take other actions aimed at the amicable settlement of the dispute by the parties. The judge may suggest to the parties a possible way of amicable settlement of the dispute. During closed meetings, the judge has the right to draw the party's attention to the court practice in similar disputes, to offer the party and (or) its representative possible ways of amicable settlement of the dispute. During the dispute resolution, the judge is not entitled to provide the parties with legal advice and recommendations, or to evaluate the evidence in the case.

Dispute resolution involving a judge shall be terminated: (1) if a party submits an application for termination of dispute resolution with the participation of a judge; (2) in case of expiration of the term for dispute settlement with the participation of a judge (no more than thirty days from the date of the decision to conduct it); (3) on the initiative of the judge in case of delay in dispute settlement by either party; (4) if the parties enter into a settlement agreement and apply to the court for its approval or if the plaintiff applies to the court for dismissal of the claim, or if the plaintiff withdraws from the claim or the defendant recognizes the claim.

The judge shall issue a ruling on the termination of the dispute settlement, which is not subject to appeal. At the same time, the judge decides whether to resume the proceedings. In case the parties fail to reach a peaceful settlement of the dispute based on the results of the dispute settlement, the dispute settlement with the participation of a judge shall be repeated.

Other ADR methods

Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other ADR
✓	✓	✓	✓

Pursuant to the Law of Ukraine No. 4002-XII "On International Commercial Arbitration" dated 24.02.1994, international arbitration is in force in Ukraine. Currently, there are two permanent arbitration institutions under the Ukrainian Chamber of Commerce and Industry - the International Commercial Arbitration Court and the Maritime Arbitration Commission. Article 1 of Law No. 4002-XII stipulates that this Law applies to international commercial arbitration if the place of arbitration is located in Ukraine. International commercial arbitration may be referred by agreement of the parties: - disputes arising out of contractual and other civil law relations in the course of foreign trade and other types of international economic relations, if the commercial enterprise of at least one of the parties is located abroad; - disputes between enterprises with foreign investments and international associations and organizations established in Ukraine, disputes between their members, as well as their disputes with other subjects of Ukrainian law. In addition, pursuant to the Law of Ukraine dated 11.05.2004 No. 1701-IV "On Arbitration Courts", arbitration courts operate in Ukraine as non-governmental independent bodies established by agreement or by a relevant decision of the interested individuals and/or legal entities in accordance with the procedure established by this Law to resolve disputes arising from civil and commercial legal relations.

• Mediators and court-related mediations

Requirements and procedure to become an accredited or registered mediator:

Pursuant to Article 9 of the Law of Ukraine "On Mediation", a mediator may be an individual who has undergone basic mediation training in Ukraine or abroad. A mediator may not be a person with a criminal record, a person whose civil capacity is limited, or has no legal capacity. Pursuant to Article 10 of the said Law, the basic training of mediators shall be carried out under a program of at least 90 hours of training, including at least 45 hours of practical training. The basic mediator training program includes theoretical training and practical skills training. Mediators shall be trained by educational entities. The training of mediators, in addition to basic training, may include specialized training in accordance with the training programs developed by educational entities. Upon completion of basic and/or specialized training and confirmation of the acquired competencies, a certificate is issued.
Within the framework of the Programme, mediation services are provided by mediators included in the Register of mediators engaged by free legal aid centres (hereinafter referred to as the Register). Mediators are included in the Register through a competitive selection process.
The mediator's specialization in "mediation in restorative justice with the participation of minors" in accordance with the Procedure for confirming the mediator's specialization for the provision of mediation services provided by free secondary legal aid centres, approved by the order of the Coordination Centre for Legal Aid Provision No. 17 dated 11.04.2023, shall be confirmed by one of the following documents
- a certificate of specialized training of a mediator according to the curriculum for conducting mediation in restorative justice with the participation of minors with a volume (duration) of at least 52 hours of training, of which at least 34 hours of practical training;
- a certificate of "Basic skills of a mediator in criminal cases" of 36 hours, for mediators who have completed training on the implementation of the Program conducted by the Coordination Centre for Legal Aid and the NGO "Institute for Peace and Understanding" by 2021.
In addition, the confirmation of the mediator's specialization is based on the results of the competency assessment, by testing the mediator, which includes
- theoretical questions to test knowledge of the laws and regulations of Ukraine, organizational and administrative acts of the Coordination Centre for Legal Aid Provision regulating the procedure and conditions for the provision of mediation services provided by free legal aid centres, international acts and recommendations in the field of justice for children, and
- completion of three written case studies, according to the conditions of solution determined by each task, on the implementation of mediator's competencies in the provision of mediation services in the category of disputes (conflicts) in which mediation is provided by free secondary legal aid centres and in accordance with the specialization confirmed by the mediator.

Accredited/registered mediators for court-related mediation			% Variation between 2018 and 2023
Absolute number	Per 100 000 inhabitants	EaP Average per 100 000 inhabitants	
NA	NA	13,2	NA

For reference only: the 2021 EU median is 17,4 mediators per 100 000 inhabitants.

For 2023, only partial data was reported as available in respect of the number of mediators engaged by free legal aid centres (104 mediators (19 males and 85 females)).

	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5+ 6)	NA	NA	NA				
1. Civil and commercial cases	NA	NA	NA	✓	NAP	✓	NAP
2. Family cases	NA	NA	NA	✓	NAP	✓	NAP
3. Administrative cases	NA	NA	NA	✓	NAP	✓	NAP
4. Labour cases incl. employment dismissals	NA	NA	NA	✓	NAP	✓	NAP
5. Criminal cases	NA	NA	NA	✓	NAP	NAP	NAP
6. Consumer cases	NA	NA	NA	✓	NAP	✓	NAP
7. Other cases	NA	NA	NA				

Court related mediations are provided by private mediators and judges.

In Ukraine, it is possible to receive legal aid for court-related mediation or receive these services free of charge.

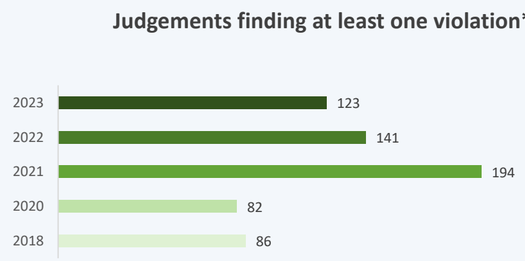
Data on court-related mediation was reported as non-available for 2023, hence no analysis is possible thereon.

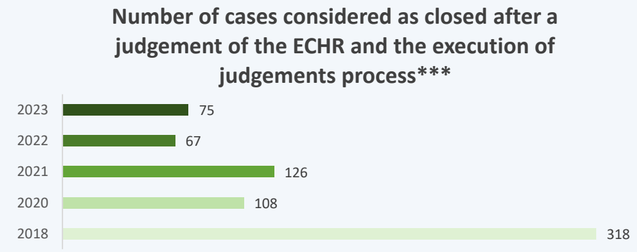
Specifically in criminal cases concerning juveniles: In accordance with paragraph 2 of the Procedure for Implementation of the Pilot Project "Recovery Programme for Juveniles Suspected of Committing a Criminal Offense", approved by the Order of the Ministry of Justice of Ukraine and the Prosecutor General's Office of Ukraine of 21.01.2019 No. 172/5/10 (hereinafter - the Procedure), mediation is defined as a voluntary, out-of-court procedure during which a minor suspected of committing a criminal offense and the victim, with the help of a mediator, try to resolve the conflict by concluding an agreement on the application of the Restorative Programme for minors who are suspected of committing a criminal offense.
In accordance with clause 3 of the Procedure, the pilot project is based on restorative approaches in criminal proceedings on criminal misdemeanours and minor crimes committed by minors.
In accordance with paragraph 5 of the Procedure, if the circumstances of the criminal proceedings against a minor meet the conditions set out in paragraph 4 of this Procedure, the prosecutor informs the minor, his or her legal representative and the victim, his or her legal representative about the possibility of implementing the Programme by engaging a mediator by the centre for free legal aid and concluding an agreement.
Pursuant to paragraphs 6-9 of the Procedure, if the parties to the criminal proceedings agree to participate in the Programme, the prosecutor invites them to fill out an application for participation in the Programme and submits it and information on the legal qualification of the criminal offense in which the minor is suspected of committing to the centre, which decides on the application of the Programme and issues a corresponding order for mediation to the mediator, organizes a meeting between the parties and the mediator.
According to clause 2 of the Procedure, a mediator is a lawyer included in the Register of lawyers providing free secondary legal aid who has been trained in the implementation of the Recovery Programme for minors suspected of committing a criminal offense.
At the meeting with the parties, the mediator explains the Programme procedure and its consequences, enables the parties to agree on the terms of the agreement and, if the parties agree to the agreement, provides them with an exemplary form of the agreement for review and determination of the date of the next meeting to conclude it.
By Presidential Decree No. 64/2022 of 24 February 2022, martial law was introduced in Ukraine, and subsequently laws were adopted that amended the Criminal Code of Ukraine, increasing criminal liability for a number of crimes under martial law.
Due to the increased criminal liability for a number of crimes under martial law, in particular in accordance with the Law of Ukraine "On Amendments to the Criminal Code of Ukraine on Increasing Liability for Looting" No. 2117-IX dated 3 March 2022, no agreements on the application of the Programme were concluded in 2023.

European Convention on Human Rights in Ukraine in 2023 (Indicator 10)

European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.





• ECHR

It is the task of the Government Agent of Ukraine before the European Court of Human Rights, inter alia, to identify the reasons of violations of the European Convention on Human Rights (hereinafter the Convention), to develop proposals for taking measures aimed at eliminating the imperfection of a systemic nature, stated in the decisions of the ECtHR; to prepare and submit to the Committee of Ministers of the Council of Europe information and reports on the progress of Ukraine's enforcement of the ECtHR 's decisions; to submit to the Ministry of Justice proposals on the methods of examination of draft laws and regulations, as well as legislative acts, for compliance with the Convention and the case-law of the ECtHR; to develop proposals to the curriculum for the study of the Convention and the case-law of the ECtHR; to submit proposals to the public authorities and local self-government bodies on possible ways of preventing human rights violations in Ukraine.

Monitoring system for violations related to Article 6 of ECHR		
Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
✓	✓	✓

Possibility to review/reopen a case after a decision on violation of human rights by the ECHR

For civil cases	For criminal cases	For administrative cases
✓	✓	✓

The provisions of the Civil Procedure Code of Ukraine stipulate that a court decision, ruling or order that has completed the consideration of a case and entered into force may be reviewed due to newly discovered or exceptional circumstances (Article 423(1)). The grounds for reviewing court decisions due to exceptional circumstances are established by an international judicial institution whose jurisdiction is recognized by Ukraine, that Ukraine violated its international obligations in the course of the court's decision in the case (Article 423(3)(2)). Similar provisions are enshrined in the Criminal Procedure Code of Ukraine (Article 459) and the Code of Administrative Procedure of Ukraine (Article 361). Similar provisions are provided for in paragraph 2 of part three of Article 320 of the Commercial Procedure Code of Ukraine.

In 2023, there were 2 531 (617 more than the previous year) applications allocated to a judicial formation** for Ukraine. There were 123 judgements by the ECHR finding at least one violation for Ukraine (vs 141 judgements in 2022).

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 75 in 2023; whereas they were 67 in 2022.

		2018	2020	2021	2022	2023
Applications allocated to a judicial formation of the Court**		3 207	4 271	210	1 914	2 531
Judgements finding at least one violation**		86	82	194	141	123
Judgements finding at least one violation of the Article 6 of the ECHR	Right to a fair trial (1)	21	10	19	21	12
	Length of proceedings	41	16	59	45	38
	Non-enforcement	2	2	0	0	0

** Source: ECHR

(1) Figures in this line may include conditional violations.

	2018	2020	2021	2022	2023
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	318	108	126	67	75

*** Source: Department for the Execution of Judgments of the ECHR

Reforms in Ukraine in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
(Comprehensive) reform plans	✗	✓	✓	The Decree of the President of Ukraine No. 231/2021 dated 11.06.2021 approved the **Strategy for the Development of the Justice System and Constitutional Justice for 2021-2023** (hereinafter - the Strategy), which defines the main principles and directions for the further sustainable functioning and development of the justice system, taking into account the best international standards and practices. Subparagraph 1 of paragraph 2 of the said Decree instructs the **Legal Reform Commission** to ensure the development of an **Action Plan for the implementation of the Strategy** with the participation of representatives of state authorities, local governments, civil society institutions, leading specialists in various fields of law and international experts and approval of the Action Plan. Prior to the introduction of martial law in Ukraine, the Legal Reform Commission was developing an Action Plan for the implementation of the Strategy. In addition, it is worth noting that the Decree of the President of Ukraine No. 266/2022 of 21.04.2022 established the **National Council for the Restoration of Ukraine from the Consequences of War**, approved the Regulation on the National Council for the Restoration of Ukraine from the Consequences of War and its staff. In addition, in accordance with the said Regulation, the National Council for Reconstruction of Ukraine from the Consequences of War established **working groups** tasked with developing a draft Action Plan for Post-War Reconstruction and Development of Ukraine. T**he Working Group on Justice under the National Council for Reconstruction of Ukraine from the Consequences of War** has developed proposals for the draft Plan, which include the restoration of the full-fledged work of the newly formed High Council of Justice and the High Qualification Commission of Judges of Ukraine; Structural modernization and optimization of the judiciary, including a comprehensive audit of the powers of the judiciary bodies and institutions (High Council of Justice, High Qualifications Commission of Judges of Ukraine, State Judicial Administration of Ukraine, Judicial Protection Service, National School of Judges of Ukraine, etc.) to eliminate duplication of functions and ensure efficient use of resources; Filling the staff positions of judges in the busiest courts of first instance and appellate courts; launching the work of the High Court on Intellectual Property; improving the procedures for appointment, dismissal, and disciplinary action against judges; optimization of the existing network of general courts in accordance with the new administrative-territorial structure and existing challenges, development and adoption of relevant draft laws on liquidation (reorganization) and establishment of local general and specialized courts, which will result in at least a threefold reduction in the number of local general courts; generalizing the scale of the damage caused, calculating the necessary material resources to restore damaged court buildings/rooms and rebuilding new appellate and local courts in accordance with European standards, taking into account the projected map of courts; development of standard designs of "courthouses of justice" based on the best European practices, construction of new buildings for the newly established district courts based on such designs; ensuring sufficient funding for the judicial system and regulating the issue of remuneration of court staff by adopting appropriate legislative changes; optimizing court costs, improving the procedures for administering court fees and directing them directly to the general fund of the State Budget; ensuring information and cybersecurity in information and communication systems and services of the judiciary;
				digitalization of the judicial process, development of remote judicial proceedings, construction of the Unified Judicial Information and Telecommunication System; studying the possibility of using elements of artificial intelligence in judicial proceedings; development of the mediation institute; improvement and expansion of the use of the jury, adoption and implementation of the Law of Ukraine "On the Jury"; development of the model of the institute of magistrates and its testing; development and adoption of the legislative framework in case of expediency of introducing this institute.

Reforms in Ukraine in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
Budget	NA	NA	NA	
Courts and public prosecution services	✓	✓	✗	On 04.03.2023, the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by its Resolution No. 220, the provisions of which are aimed, in particular, at preventing corruption in such a priority area as "Fair trial, prosecution and law enforcement agencies". The strategic results of the implementation of measures approved by the said Anti-Corruption Program in this area include, in particular integrity is defined as a mandatory legal requirement for members of the High Council of Justice, the High Qualification Commission of Judges of Ukraine, and disciplinary bodies in the justice system; The High Qualification Commission of Judges of Ukraine and the High Council of Justice, together with the bodies involved in the assessment, judicial self-government bodies and the public, have developed and implemented clear and predictable criteria (indicators) of integrity and professional ethics for the qualification assessment of judges and selection of new judges; the mechanism for the High Qualification Commission of Judges of Ukraine to conduct qualification assessment of judges and competition procedures has been improved to avoid unjustified delays; the disciplinary body in the justice system, formed on the basis of the results of the competition held by the independent commission, carries out prompt and fair consideration of disciplinary cases against judges; the list and grounds for disciplinary liability of judges and its types have been clarified in a way that allows judges to predict their behaviour, in particular, the signs of disciplinary offenses that discredit the title of judge or undermine the authority of justice have been more clearly defined, and the mechanism of disciplinary investigation and consideration of disciplinary cases has been improved and simplified; the disciplinary practice against judges is consistent, predictable, sustainable and open; all decisions of the disciplinary body are made public in a timely manner; disciplinary proceedings against judges are generally open and broadcast in real time; the mechanism of criminal prosecution is not used to exert pressure on judges; the institution of criminal liability of judges for arbitrary abuse of their powers has been introduced; the network of local courts was reviewed and created with due regard for the administrative-territorial reform, the need to ensure direct access to justice, and economic feasibility; the scope of application of alternative dispute resolution and pre-trial settlement of disputes was expanded; the system of enforcement of court decisions was improved.
Access to justice and legal aid	✗	✓	✗	The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Simplifying Access to Free Legal Aid" of April 10, 2023 No. 3022-IX came into force on 03 August 2023, which amended the Law of Ukraine "On Free Legal Aid", in particular in terms of simplifying the access to legal services for the most vulnerable categories of persons, improving certain provisions of the Law on the procedure for submitting and considering applications for free secondary legal aid, bringing terminology in line with the Constitution of Ukraine.
High Judicial Council and High Prosecutorial Council	✗	✓	✓	In addition to the above, it should be noted that the competitive procedures for the selection of candidates for vacant positions of members of the High Council of Justice, conducted by the Ethics Council in accordance with the provisions of the Law of Ukraine of 14.07.2021 No. 1635-IX "On Amendments to Certain Legislative Acts of Ukraine on the Procedure for Election (Appointment) to the Positions of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice", are nearing completion. During its work, the Ethics Council evaluated 140 candidates and 4 current members of the High Council of Justice. As of 09.11.2023, the Ethics Council adopted 138 decisions, including: 8 decisions in 2021; 83 decisions in 2022; 57 decisions in 2023. Since January 12, 2023, the authorized composition of the High Council of Justice has been restored. Thus, on the recommendation of the Ethics Council, 16 vacant positions of members of the High Council of Justice were filled, including: 3 current members of the High Council of Justice who have been assessed for compliance with the criteria of professional ethics and integrity (2 - under the quota of the Congress of Judges of Ukraine, 1 - under the quota of the President of Ukraine (in September 2023, the powers of this member of the High Council of Justice expired), 2 - from the Verkhovna Rada of Ukraine, 2 - from the Congress of Representatives of Law Schools and Scientific Institutions, 8 - from the Congress of Judges of Ukraine, 2 - from the All-Ukrainian Conference of Prosecutors. The President of the Supreme Court became an ex officio member of the High Council of Justice. Thus, 4 positions of members of the High Council of Justice remained vacant as the date of this Report (2 - from the President of Ukraine, 2 - from the Congress of Advocates of Ukraine).

Reforms in Ukraine in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
Legal professionals	✗	✓	✓	On 09.08.2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3304-IX "On Amendments to Certain Laws of Ukraine on Immediate Resumption of Cases Concerning Disciplinary Liability of Judges", which provides that until the day of the establishment of the service of disciplinary inspectors of the High Council of Justice, the powers of a disciplinary inspector are exercised by a member of the Disciplinary Chamber (rapporteur) determined by the automated case distribution system. The said Law came into force on September 17, 2023 and was enacted on 19 October 2023, when the Law of Ukraine "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and certain laws of Ukraine regarding the change of status and procedure for the formation of the service of disciplinary inspectors of the High Council of Justice" came into force. On 6 September 2023, the Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 3378-IX "On Amendments to the Law of Ukraine "On the Judiciary and the Status of Judges" and Certain Laws of Ukraine on Changing the Status and Procedure for Forming the Service of Disciplinary Inspectors of the High Council of Justice". It should be noted that the Law provides that temporarily, for seven years from the date of its entry into force, the competition for the position of the Head of the Service of Disciplinary Inspectors and his deputy, a disciplinary inspector, is conducted by a competition commission established by the High Council of Justice. The High Council of Justice shall form a competition commission consisting of six persons, three of whom shall be appointed by the High Council of Justice upon proposals of international and foreign organizations that, in accordance with international or interstate agreements, have been providing Ukraine with international technical assistance in the field of judicial reform and/or prevention and counteraction to corruption for the last three years. Such international and foreign organizations shall agree on a joint proposal. A member of the High Council of Justice may be appointed as a member of the competition commission. The competition for the position of the Head of the Service of Disciplinary Inspectors of the High Council of Justice and his/her deputy, disciplinary inspectors of the High Council of Justice shall be announced by the High Council of Justice within two months from the date of entry into force of the said Law. In pursuance of the above, on 19.12.2023, the High Council of Justice announced a call for applications for the positions of the Head of the Service of Disciplinary Inspectors - Deputy Head of the Secretariat of the High Council of Justice, Deputy Head of the Service of Disciplinary Inspectors of the High Council of Justice, as well as its disciplinary inspectors.
Gender equality	NA	NA	NA	-
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	NA	NA	NA	-

Reforms in Ukraine in 2023

	Yes (planned)	Yes (adopted)	Yes (implemented)	Comment
Mediation and other ADR	✓	✓	✓	On 16 November 2021, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 1875-IX "On Mediation", which entered into force on 15 December 2021. The Ministry of Justice also developed a draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Improving the Procedure for the Establishment and Operation of Arbitration Courts in order to Restore Confidence in Arbitration", which was submitted to the Verkhovna Rada of Ukraine on 29.04.2020 by the Cabinet of Ministers of Ukraine under Reg. № 3411. On 02.02.2021, the said draft law was adopted by the Verkhovna Rada of Ukraine in the first reading as a basis. In addition, the Ministry of Justice developed a draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Activities of Arbitration", which was submitted to the Verkhovna Rada of Ukraine on 08.04.2021 by the Cabinet of Ministers of Ukraine under reg. № 5347.
Fight against corruption and accountability mechanisms	✗	✓	✓	The anti-corruption reform in Ukraine began in 2014 with the adoption of anti-corruption legislation and the establishment of anti-corruption bodies based on it. Thus, in order to define the legal and organizational framework for the functioning of the system of prevention of corruption in Ukraine, the content and procedure for the application of preventive anti-corruption mechanisms, and rules for eliminating the consequences of corruption offenses, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 1700-VII "On Prevention of Corruption" on 14 October 2014. The Law, in particular defines specially authorized entities in the field of combating corruption, which include the prosecutor's office, the National Police, the National Anti-Corruption Bureau of Ukraine, and the National Agency for the Prevention of Corruption; outlines the range of persons who are subjects of declaration within the meaning of the Law; regulated relations on prevention and settlement of conflicts of interest in the activities of persons authorized to perform state or local government functions, etc. Subsequently, in order to take measures to combat corruption in Ukraine, on20 June 2022, the Verkhovna Rada of Ukraine approved the Anti-Corruption Strategy for 2021-2025 (Law of Ukraine No. 2322-IX dated 20 June 2022), aimed at achieving significant progress in preventing and combating corruption, as well as ensuring coherence and consistency of anti-corruption activities of all state and local authorities. Pursuant to the Law of Ukraine "On Prevention of Corruption" and the Anti-Corruption Strategy for 2021-2025, the Cabinet of Ministers of Ukraine approved the **State Anti-Corruption Programme for 2023-2025** by Resolution No. 220 dated 4 March 2023, which aims to achieve significant progress in preventing and combating corruption, ensuring coherence and systematic anti-corruption activities of all state and local authorities, as well as a proper process of post-war recovery of Ukraine. The implementation of this Programme is believed to contribute to further work on Ukraine's membership in the EU, the North Atlantic Alliance (NATO), and the Organization for Economic Cooperation and Development (OECD). In addition, in order to restore the declaration and conduct special checks in respect of persons applying for positions or appointed to the relevant positions during martial law, on 20 September 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 3384-IX "On Amendments to Certain Laws of Ukraine on Determining the Procedure for Submitting Declarations of Persons Authorized to Perform the Functions of the State or Local Self-Government under Martial Law". In addition, in order to bring certain provisions of the Law of Ukraine "On Prevention of Corruption" in line with the COMMISSION STAFF WORKING DOCUMENT, Ukraine 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023, Communication on EU Enlargement policy, Brussels, 8.11.2023 SWD(2023) 699 final, the Verkhovna Rada of Ukraine adopted on 8 December 2023, Law of Ukraine No. 3503-IX "On Amendments to the Law of Ukraine "On Prevention of Corruption" to bring certain provisions in line with the conclusions of the European Commission on Ukraine". The adopted Law made appropriate changes to the Law of Ukraine "On the Prevention of Corruption" in order to take into account the aforementioned conclusions of the European Commission by: excluding the provisions that prohibit the National Agency for the Prevention of Corruption from verifying the acquisition of ownership rights to real estate objects and vehicles by the subjects of the declaration ; addition of provisions that cancel restrictions on re-verification of information specified by the subject of declaration in the declaration for the previous period, which were already subject to verification by the National Agency for the Prevention of Corruption.
Domestic violence	NA	NA	NA	-
New information and communication technologies	✓	✓	✗	In order to ensure compliance with the requirements of the Laws of Ukraine "On the Judiciary and Status of Judges", "On Amendments to the Commercial Procedure Code of Ukraine, the Civil Procedure Code of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" and "On the National Informatization Program", the SJA of Ukraine approved the sectoral Program of Informatization of Local and Appellate Courts and the project for the construction of the Unified Judicial Information and Telecommunication System for 2022-2024. In addition, in accordance with the Law of Ukraine "On the Principles of State Anti-Corruption Policy for 2021-2025", the Cabinet of Ministers of Ukraine approved the State Anti-Corruption Program for 2023-2025 by Resolution No. 220 dated 04.03.2023, which designated the SJA of Ukraine to implement measures for the development and comprehensive implementation of the implemented UJITS subsystems and existing automated systems.

CEPEJ(2024)2REV1
PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Support for a better evaluation of the result of judicial reform efforts in the Eastern Partnership "Justice Dashboard EaP" Project

Data collection 2023

Part 2 (B) - Beneficiary Profile – Ukraine

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Justice Dashboard Eastern Partnership, and relevant GRECO reports from the Fourth GRECO Evaluation Round on Prevention of corruption in respect of members of parliament, judges and prosecutors.

The level of implementation of GRECO recommendations as of 24 March 2023 (adoption of the Interim Compliance Report):

	JUDGES	PROSECUTORS
Implemented	56,00%	40,00%
partially implemented	22,00%	20,00%
not implemented	22,00%	40,00%

Selection and recruitment of judges and prosecutors

Procedure of recruitment of judges

The recruitment and career of judges is regulated by the Constitution and the Law on Judiciary and the Status of Judges (LJSJ). Following the Constitutional changes concerning the judiciary in 2016, new requirements for judicial candidates were introduced in Ukraine and the procedure for selecting the judges was changed.

Criteria for being eligible to be considered for appointment as a judge are determined in the LJSJ (Article 69) and are: 1. an Ukrainian citizen; 2. at least thirty years old and not older than sixty-five years old; 3. with a higher legal education; 4. having at least five years of working experience in the field of law; 5. is competent, honest; and 6. having the command of the official language in accordance with the level determined by the National Commission on the Standards of the State Language (changes to the article 69 as of 25 April 2019). Exceptions may be made with regard to persons with at least three years of record of service as judge's assistant – their selection is conducted via competition, with specific features determined by the High Qualification Commission of Judges of Ukraine (HQCJU). To participate in the selection process, candidates have to submit a copy of the declaration of a person authorised to perform functions of the state or local self-government, covering the period of the year preceding the year of submission of documents, and a link to the relevant page of the Unified State Register of Declarations of Persons Authorised to Perform the Functions of the State or Local Self-Government. Furthermore, candidates have to submit a declaration of family ties and an integrity declaration in order to participate in selection process (article 71, item 5 of part one, LJSJ).

The law sets out additional requirements for appointment as a judge of the Supreme Court – at least ten years of experience as a judge, lawyer or scientist (Article 38, LJSJ), as a judge of the courts of appeal – at least five years of experience as a judge (Article 28, LJSJ), and of a High Specialised Court (Article 33, LJSJ).

Certain persons are excluded, e.g. those who have been convicted or are serving a sentence. Moreover, a person may not be a candidate for the position of judge if s/he was previously dismissed from a judicial position as a result of the qualifications evaluation or for committing a substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with the status of judge or which has revealed his/her incompatibility with the office, violation of incompatibility requirements, violation of a duty to certify the legality of the source of property or in connection with entry into force of a conviction regarding such persons.

The selection procedure starts with a decision of the HQCJU on announcing the selection of candidate to the position of a judge, with an account to the estimated number of vacant judicial positions. Then the following stages are: 1. public announcement of the selection procedure by the HQCJU. The announcement shall specify the final term for submission of documents to the HQCJU which may not be less than 30 days from the date of placement of the announcement as well as the estimated number of judicial vacancies for the next year; 2. submission of applications with supporting documents specified in Article 71 of the LJSJ; 3. on the basis of the application, candidates are verified by the HQCJU as to ascertain

whether they meet the criteria; 4. candidates who qualified to participate in the selection procedure take admission exam; 5. results of the admission exam are determined and made public on the HQCJU's website; 6. a background check of candidates is performed on the basis of the Anti-Corruption Law and based on Article 74 of the LJSJ; 7. completion of the initial training for candidates who passed the admission exam and the background check; 8. qualification exam to be taken by the candidates who participated in the initial training; 9. based on the results, the candidates are rated and accordingly put on the reserve list for filling the vacancies; the lists is published; 10. announcement of a competition for filling vacant positions by the HQCJU; 11. the competition is held by the HQCJU and recommendations made with regard to appointment of a candidates for a position of a judge to the HCJ; 12. the HCJ considers recommendations and approves a decision regarding a candidate for a position of a judge; 13. the President of Ukraine issues a decree on appointing a candidates to a judicial position on the basis of the HCJ's proposal within 30 days of the receipt of the HCJ's proposal.

Lawyers (non-judges) may also enter the profession of judge straight in the appellate courts, 2 high specialized courts (High Anti-Corruption Court and the High Court on Intellectual Property) and the Supreme Court. Criteria are the same as for judicial candidates and, in addition, confirmed his/her capability to administer justice in the court of appeal based on results of qualification evaluation and meeting one of the following requirements: 1. having at least 5 years of experience as a judge; 2. having an academic degree in the field of law and at least 7 years of scientific work experience in the field of law; 3. having at least 7 years of professional experience as an attorney representing clients in court and/or defending against criminal charges; or 4. having at least 7 years of mixed experience (professional activity) according to the requirements set forth in the preceding points 1-3.

Similar requirement as above are required for a judge of the High Anti-Corruption Court. In addition, s/he must possess knowledge and practical skills necessary for performing judicial functions in corruption-related cases (Law on High Anti-Corruption court).

For filling vacant position of judges in appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber), and Supreme Court the selection procedure is the same until the stage of submission of applications. After that, the candidates take a written exam and a psychological testing, and a special background check is performed by different state bodies on the request of the HQCJU. In case of appellate courts, High Court on Intellectual Property (and its Appellate Chamber) and Supreme Court competitions, the Public Integrity Council assists the HQCJU in determining the eligibility of a judicial candidate in terms of the criteria of professional ethics and integrity for the purpose of qualification evaluation and may render information or negative opinion on a judicial candidate. If the negative opinion of the PIC rendered, the HQCJU shall have 11 votes to overrule it and admit the judicial candidate to the interview stage. In the case of the High Anti-Corruption Court (and its Appellate Chamber), the Public Council of International Experts (PCIE) assists the HQCJU in the establishment of compliance of the candidates for the positions of judges of the High Anti-Corruption Court with the criteria of integrity (moral, honesty) for the purposes of qualification evaluation, namely in terms of legal origins of the candidate's property, correspondence of the standard of life of the candidate or his or her family members with the declared income, correspondence of the candidate's lifestyle to his or her status, knowledge and practical skills that the candidate possesses for consideration of cases under the jurisdiction of the High Anti-Corruption Court. The competition procedure for High Anti-Corruption Court also includes the Special Joint Meetings of the PCIE and the HQCJU, which is

held before the interview stage. Only candidates forming a doubt regarding their integrity, knowledge and practical skills upon decision of the PCIE may be considered at such meetings. The next stage in the selection procedure is the examination of the judicial dossier and the interview with the HQCJU members (which is live broadcasted). Based on this, the HQCJU rates candidates and publishes the ratings on the website. Then it sends the recommendations on appointments of candidates to judicial positions to the HCJ. The HCJ considers recommendations and may submit proposals to the President of Ukraine to appoint candidates to the positions of judges by a decree within 30 days of the receipt of the HCJ's proposal. The President cannot refuse to appoint the candidates proposed by the HCJ.

> *GRECO recommendation xv. GRECO recommended (i) reviewing the need to reduce the number of bodies involved in the appointment of judges; (ii) defining more precisely the tasks and powers of the Public Council of Integrity, further ensuring that its composition reflects the diversity of society, and strengthening the rules on conflicts of interest – including through the provision of an effective control mechanism.*

In the Evaluation Report (see para. 140, 141), GRECO noted that given that the HCJ has been recently reformed and established as a central body of judicial self-governance, the GET encourages the authorities to examine the need for maintaining additional bodies such as the HQCJU and the Public Council of Integrity in the long run – if the reshaped HCJ proves its independence, impartiality and efficiency in practice. It is vital that the functioning of the appointment system – and the activity of the HCJ in particular – is followed closely, to ascertain the possibility and advisability of further streamlining the procedures and simplifying the architecture of judicial self-government bodies. Regarding more specifically the Public Council of Integrity, several of the GET's interlocutors pointed to the fact that the involvement of such a body in judges' appointment may generate risks of conflicts of interest. Even if the LJSJ provides rules on incompatibilities (e.g. judges and prosecutors are excluded) and self-recusal, the possible membership e.g. of practicing attorneys – which is explicitly permitted by the law – appears questionable; moreover, the lack of a control mechanism with respect to conflicts of interest is highly unsatisfactory. In addition to those concerns, the GET also sees a need for more precise rules to ensure the representation of various groups of society in the Council, in order to achieve the objective of including the knowledge and judgment of civil society at large and of increasing citizens' trust in the judiciary. Given the preceding paragraphs, GRECO issued recommendation xv.

In the compliance procedure, authorities reported on adoption of the law reforming judicial self-governance and bringing the High Qualification Commission of Judges of Ukraine (HQCJU) within the structure of the High Judicial Council (HJC) which had been viewed as positive developments by GRECO. However, the overhaul of the judicial system was still on-going. The second part of this recommendation had not been addressed at the time (the Compliance Report , para. 85-93). In the Second Compliance Report (see para. 85-90), GRECO noted that with respect to the first part of the recommendation, that the need to reduce the number of bodies involved in judicial appointments has apparently been reviewed by the relevant authorities in the context of legislative amendments relating to various judicial bodies, and a possibility of bringing the HQC into the structure of the HJC has been envisaged in a policy document. Thus, the formal requirement of the first part of the recommendation has been met. The recent adoption of legal amendments with the purpose of enabling self-governing judicial bodies to resume functioning are also to be welcomed. That said, GRECO remains concerned over the persisting deadlock as regards the resuming of functioning of most of the judicial self-governing bodies, entailing risks to institutional set-up guarantees and undue influences. It is of paramount importance that these

bodies are formed in a manner providing solid guarantees of independence to the judiciary. The second part of the recommendation has still not been addressed. GRECO concluded that recommendation remained partly implemented. In the Interim Second Compliance Report (para. 82-88) GRECO concluded recommendation remains partly implemented since HCJ as a body which formally appoints the members of the HQCJ has not yet finalised the appointment process to the HQCJ. GRECO noted that this is of critical significance given that the body which was previously responsible for judicial appointments was dissolved in 2019 and, as a result, the judiciary is currently seriously understaffed (there were some 2000 vacancies at the time of dissolution of the former HQCJ that have not been filled ever since). With respect to the second part of the recommendation regarding the PIC, the implementation programme of the new Anti-Corruption Strategy (SAP) foresees that its status be clarified, its role be expanded and strengthened, and its resources (human, technical and material) be secured. This is a positive development which nevertheless needs to materialise in practice. Furthermore, nothing has been reported regarding the need to ensure that the composition of the PIC reflects the diversity of society and that the applicable rules on conflicts of interest are strengthened (including through the provision of an effective control mechanism), as also recommended by GRECO.

A candidate judge can appeal the decisions taken by the HQCJU regarding his/her qualification assessment on substantial and procedural grounds in the manner prescribed by the Code of Administrative Legal Proceedings of Ukraine. The LJSJ defines the grounds for appealing decisions taken by the HQCJU after the qualification assessment of candidate judges. These grounds concern in particular failure to mention the relevant legal grounds/provisions or non-motivated decisions by the Commission (Article 88). The decisions of the HCJ concerning appointments can be appealed to the Supreme Court on procedural and substantive grounds. There is no appeal possible against the decision of the President of Ukraine on appointment of a judge.

Integrity checks are performed in the selection procedure, by various bodies upon request of the HQCJU to verify the respective information about the candidates, namely: criminal records, intelligence investigation, integrity assessment test, psychological assessment and conducting a special inspection on the basis of Article 75 of LJSJ. HQCJU then prepares a report on the results; private individuals and legal entities may also submit information on candidates to the HQCJU. Any information received that may indicate that a candidate does not meet the legal requirements for holding the position of judge is considered by the HQCJU in the presence of the candidate. The latter has the right to access the relevant information, provide appropriate explanations, refute and deny it. The HQCJU then takes a motivated decision on whether to terminate further participation of the candidate in the selection procedure. This decision can be appealed to court. In addition to the “special verification procedure”, on the basis of the Law “On the Judiciary and the Status of Judges” (Article 71) judicial candidates have to submit their asset declarations – which are subject to a complete check by the competent authority i.e. the NACP – as well as the declarations of family members which are published on the HQCJU website (Articles 75, 76, LJSJ).

According to paragraph 2 of section II “Final and transitional provisions” of the Law of Ukraine "On Amendments to the Law of Ukraine “On the Judiciary and Status of Judges” and Some Laws of Ukraine on the Activity of Judicial Governance Bodies” No.193–IX dated 16 October 2019, the powers of members of the HQCJU were terminated on 7th November 2019. That made it impossible for the HQCJ as a collegial body to exercise its powers stipulated by the legislation of Ukraine in the field of a judicial career in 2020 and 2021. However, on 3 August 2021, the

President of Ukraine signed the Law of Ukraine “On Amendments to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ and Certain Laws of Ukraine on the Restoration of the Work of the High Qualification Commission of Judges of Ukraine” (No. 3711-D). The amendments to the law provided for a competition to appoint members of the Commission.

The competition for the selection of candidates for the positions of members of the High Qualification Commission of Judges of Ukraine, which began on 4 February 2022, was suspended due to Russian military aggression and resumed on 15 July 2022. A total of 301 lawyers took part in the competition, and 64 candidates were invited to the second stage - interviews, 61 of whom participated therein. Based on the results of the second stage, a list of 32 winners/candidates was drawn on 15 March 2023. At a meeting of the High Council of Justice on 1 June2023, 16 members of the High Qualification Commission of Judges of Ukraine were appointed. On 6 June 2023, they had their first meeting in this composition.

Mandate of judges

Judges are appointed for life by the President of Ukraine on the recommendation of the High Council of Justice (HCJ). They are guaranteed irremovability until they reach the age of 65, except in the case of dismissal or termination of their powers in accordance with the Constitution (Article 126) and the LJSJ (Articles 80 and 53). Grounds for dismissal or termination of the judicial office are: inability to exercise powers for health reasons, violation of incompatibility requirements, committing a significant disciplinary misdemeanour, gross or systematic disregard of judicial duties, which is incompatible with the status of a judge, resignation, failure to consent to transfer to another court in case of liquidation or reorganisation of a court, failure to prove the legitimate origin of income, attaining age of 65, termination of citizenship or acquiring foreign citizenship, a final court decision declaring a judge missing, deceased, incapable or partially capable, death and entry into legal force a guilty verdict for committing a crime.

No probation period is envisaged in the law for judges before being appointed “for life”.

Procedure of recruitment of prosecutors

The recruitment of prosecutors has been significantly changed with adoption of the Law the “On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office” dated September 19, 2019, 113-IX (Law 113-IX) which suspended certain provisions of the Law on the Prosecutor’s Office (LPO), which regulated recruitment and career of prosecutors. Furthermore, LPO has been amended also by the Law No. 2203-IX of 14 April 2022.

Previously, prosecutors were appointed by the head of the relevant prosecution office on the recommendation of the Qualification and Disciplinary Commission (as of 15 March 2023, named Qualification and Disciplinary Commission of Prosecutors - QDCP) which had powers over recruitment process. The Law 113-IX suspended the work of the QDC from 25th September 2019 until 1st September 2021 (when the QDC was supposed to

resume its powers) and in the meantime Personnel Commissions were formed in the Office of the Prosecutor General and in each regional prosecutor's office entrusted with a mandate to ensure recruitment and career of prosecutors in a more expeditious way.

The Personnel Commissions consisted of six persons, at least three of which are persons delegated by international and non-governmental organizations, international technical assistance projects, and diplomatic missions. Pursuant to sub-items 1, 8 of item 22 of Section II "Final and Transitional Provisions" of the Law № 113– IX, the Prosecutor General was to: 1) approve the procedure for selection by Personnel Commissions to fill the vacant position of prosecutor; 2) determine the procedure for filling temporarily vacant positions of prosecutors in the prosecutor's office; 3) appoint persons to administrative positions in the Prosecutor General' Office and to the position of the head of the regional prosecutor's office (upon the approval of the Commission for the selection of the management of the prosecutor's office); 4) determine the procedure for consideration by Personnel Commissions of disciplinary complaints on disciplinary misconduct by a prosecutor and holding the disciplinary proceedings; 5) determine the procedure for decision-making by Personnel Commissions based on the results of disciplinary proceedings and if there are grounds provided by the Law of Ukraine "On the Prosecutor's Office," the procedure of bringing prosecutor to disciplinary liability.

Starting from 1st September 2021, pursuant to Article 28(1), Article 29(1), Article 77(1)(2) of the Law of Ukraine "On the Prosecutor's Office", the selection of candidates for the position of a prosecutor in accordance with the procedure established by this Law shall be within the powers of the relevant body conducting disciplinary proceedings. Pursuant to the provisions of Part 1 of Article 73 of the Law of Ukraine "On the Prosecutor's Office", the relevant body conducting disciplinary proceedings is a collegial body that, in accordance with the powers provided for by this Law, determines the level of professional training of persons who have expressed their intention to hold the position of a prosecutor and decides on disciplinary liability, transfer and dismissal of prosecutors. The status and procedure of the relevant body conducting disciplinary proceedings are determined by Articles 73-79 of the Law.

Criteria for being eligible to be considered for appointment of a prosecutor of the district prosecutor's office as per Article 27 of the Law of Ukraine "On the Prosecutor's Office" are: 1. Ukrainian citizenship; 2. having a higher legal education; 3. having a proficiency in state language in accordance with the level determined by the National Commission for State Language Standards. Until amendments to the Law of Ukraine "on the Prosecutor's Office" entered into force on March 15, 2023, also a Ukrainian citizen with a higher legal education and work experience in the field of law not exceeding one year could have been appointed as a prosecutor.

Candidates are excluded from the selection process if they have an unexpunged or outstanding criminal record or have been subject to an administrative penalty for committing a corruption-related offence.

To participate in the selection process, candidates have to submit a copy of the declaration of a person authorised to perform functions of the state or local self-government, covering the period of the year preceding the year of submission of documents.

As per article 29 of the Law of Ukraine "On the Prosecutor's Office", the selection procedure of candidates and their appointment to the position of a district prosecutor is carried out in the following manner: the QDCP adopts a decision on selection of prosecutors with requirements to be

met by the candidates and documents to be submitted and publishes it on its official website. After submission of applications from candidates, verification of compliance of the candidates with the requirements set for taking up a position of a prosecutor on the basis of submitted documents, the candidates passing the qualification exam, publication of the list of candidates who have successfully passed the qualification exam, conducting a special inspection of these candidates, ranking the candidates from among those who have successfully passed the qualification exam and who have been subjected to the special inspection, the candidates for the position of a prosecutor shall undergo a competition to undergo a special training at the Prosecutor's Training Centre of Ukraine for one year in order to acquire knowledge and skills of practical activity as a prosecutor, drafting procedural documents, studying the rules of prosecutorial ethics. Based on the results of the special training, the Prosecutor's Training Centre of Ukraine makes a motivated decision on successful or unsuccessful completion of the training, a copy of which is handed to the candidate for the position of prosecutor. After this, a prosecutor-trainee is appointed by the head of the regional prosecutor's office to the position of a prosecutor of the district prosecutor's office. The head of the prosecutor's office only approves all selected prosecutors for the position and if the results of the special check disqualify a particular candidate, the head of the prosecutor's office does not appoint the candidate to the position (part 2 of Article 58 of the Law of Ukraine "On Prevention of Corruption").

As per the Regulation on the Procedure for Consideration of Issues and Preparation of Materials for the Selection of Candidates for a Vacant (Temporarily Vacant) Position of a District Prosecutor, approved by the decision of the relevant disciplinary authority dated October 26, 2021, No. 11zp-21 (as amended) unsuccessful candidates in the selection process, in the qualification exam or in completing the special training may appeal the decision to QDCP or to court.

The integrity of candidate prosecutors is checked on the basis of the Law "On Prevention of Corruption". The relevant body conducting disciplinary proceedings organises a background check of candidates for a position of a prosecutor who have successfully passed the qualification exam. The candidate should consent to the background check and the background check is then conducted within 25 days from the day of the consent. If the candidate does not consent to the background check, his/her application is not considered. The procedure for the background check and the consent form are approved by the Cabinet of Ministers of Ukraine with the Resolution No. 171 "On Approval of the Procedure for Conducting a Background Check of Persons Applying for Positions of Responsibility or Highly Responsible Positions and Positions with Increased Corruption Risk and Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine" dated 25.03.2015). Together with the consent the candidate shall submit his/her autobiography, copy of passport, copies of documents on education, academic titles and scientific degrees, medical certificate, a copy of the military registration document and a certificate of access to state secrets (if any). To the National Agency on Corruption Prevention the candidate shall submit a declaration of a person to perform the duties of the state or local self-government. Upon receipt of the written consent, the authority where the candidate is applying for a position shall send to relevant state authorities a request for verification of the data submitted together with the consent. The background check is then performed by the: 1. The National Police and the State Judicial Administration (criminal liability, existence of conviction, revocation thereof); the Ministry of Justice and the National Securities and stock Market Commission (existence of individual equity rights of the candidate); the National Agency (registration in the Unified State Register of Perpetrators of Corruption or Corruption-related Offences); the central executive authorities implementing state healthcare policy (health issues such as registration of the candidate with psychiatric or drug rehabilitation health care institutions); the Security Service (on the candidate's access to state secrets, his/her

relation to military duty); the Ministry of Defence (regarding the candidate's relation to military duty); the Foreign Intelligence Service (on the relation of the candidate to the fulfilment of military duty). Any person, legal entity and public organisation may submit information on the integrity of candidates for the position of prosecutor to QDCP. In case of a receipt of information that a candidates might be dishonest, QDCP shall consider it at a meeting, allowing the candidate to familiarize himself/herself with the information and to provide explanation and evidence to refute or deny it. Based on the results of the review QDCP may decide to refuse to enrol the candidate in the reserve for filling vacant positions of district prosecutors. Such a decision may be appealed to court.

Mandate of prosecutors

Prosecutors are appointed for an indefinite period with compulsory retirement age set at 65 years; their powers of office may be terminated only on the grounds and in the manner prescribed by the Law on the Prosecutor's Office (LPO) (Article 16). Grounds for dismissal or termination of the prosecutorial office are: inability to exercise powers for health reasons, violation of incompatibility requirements, entry into force of a court decision holding a prosecutor administrative liable for a corruption-related offence or for recognising that his/her assets or assets of persons acquired on his/her behalf by other persons are unjustified, upon reaching age 65, due to unsuccessful certification (clause 19 of Section II of the Law of Ukraine "On Amendments to certain Legislative acts of Ukraine on Priority Measures for the Reform of the Prosecution Bodies"), for committing a disciplinary misdemeanour, upon resignation, due to liquidation or reorganisation of a prosecutor's office or reduction of a number of prosecutors, impossibility of transfer to another position due to direct subordination to a close person, termination of citizenship or acquiring foreign citizenship, entry into legal force a guilty verdict for committing a crime or impossibility of further holding a temporarily vacant position. No probation period is envisaged in the law for prosecutors before being appointed "for life".

Due to adoption of the Law "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office" dated September 19, 2019, 113-IX (Law 113-IX) the re-qualification ("attestation") of prosecutors with life tenure on a competitive basis has been introduced. The attestation of prosecutors is carried out by Personnel Commissions. The attestation includes assessing the professional competence of prosecutors, their professional ethics, and integrity. Apart from knowledge and skills of the prosecutors also data on complaints received against them, disciplinary proceedings, indicators of their declarations, materials of secret integrity checks, and other information characterizing the integrity of the prosecutor and their observance of ethics are taken into account. Any person has the right to submit information that could indicate that the prosecutor did not meet the criteria of competence, professional ethics, and integrity to the relevant Personnel Commission. Persons who did not hold the position of the prosecutor at the time of entry into force of this law had the right to participate in an open competition for vacant positions of the prosecutor if they had higher legal education and sufficient working experience in the field of law. In case of unsuccessful attestation, the prosecutor was dismissed.

The Prosecutor General is appointed and dismissed by the President of Ukraine with the consent of Parliament (Article 131-1 of the Constitution). The Parliament can initiate a vote of no confidence in the Prosecutor General, leading to his/her resignation (Article 85 of the Constitution). LPO specifies the grounds for dismissal of the Prosecutor General. LPO provides for a requirement for the Prosecutor General to have a law degree

and a requirement of work experience in the legal field of at least 10 years (the Evaluation Report, para. 204, 205; the Compliance Report, para. 124, 125).

Promotion of judges and prosecutors

Promotion of judges

The authorities responsible for judges' recruitment are also responsible for their promotion. The promotion of a judge can be made only via competition procedure to vacant judicial positions in courts of higher instance. The core part of the competition procedure is the qualification evaluation in which the capability of the candidate (judicial candidate) of administering justice is determined. Qualification evaluation shall be conducted by the HQCJU.

In addition, the candidate must also meet at least one of the following requirements:

- for the position of the court of appeals judge:1. has served for at least five years as a judge; 2. has a degree in the field of law and at least seven years of experience of research work in the field of law; 3. has at least seven years of professional experience as a lawyer, including court representation and/or criminal defence; 4. has a total length of service (professional experience) in accordance with the requirements specified in clauses 1–3 of this part of at least seven years (Article 28, LJSJ).
- for the position of the Supreme Court Justice: 1. has served for at least ten years as a judge; 2. has a degree in the field of law and at least ten years of experience of research work in the field of law; 3. has at least ten years of professional experience as a lawyer, including court representation and/or criminal defence; 4. has a total length of service (professional experience) in accordance with the requirements specified in clauses 1–3 of this part of at least ten years (Article 38, LJSJ).

The criteria for qualification evaluation include: 1. competence (professional, personal, social, etc.); 2. professional ethics; and 3. integrity.

Qualification evaluation consists of the following stages: 1. taking examination; and 2. review of the judicial dossier and interview. Other phases of the promotion procedure are the same as for the appointment procedure.

A decision on the sequence of the stages of qualification evaluation is approved by the HQCJU which also approves the procedure of holding the examination and a methodology for determining results thereof.

The examination is the main method for determining whether a judge (judicial candidate) meets the criterion of professional competence and shall be conducted by taking a written anonymous test and doing a practical task to identify the level of knowledge and practical skills in the application of law and ability to administer justice in a relevant court with relevant specialization.

Tests and practical tasks for the examination shall be developed having regard to the principles of instance hierarchy and specialization.

The HQCJU shall ensure the transparency of the examination.

The full procedure of competition to the appellate courts, High Court on Intellectual Property (and its Appellate Chamber), High Anti-Corruption Court (and its Appellate Chamber) and Supreme Court competitions is described above in the chapter on Selection and recruitment of judges.

According to paragraph 2 of section II "Final and transitional provisions" of the Law of Ukraine on Amendments to the Law of Ukraine "On the Judiciary and Status of Judges" and Some Laws of Ukraine on the Activity of Judicial Governance Bodies" No.193–IX dated October 16, 2019, the powers of members of the HQCJU were terminated on November 7, 2019. The Commission was inactive in 2020 and 2021. See above, for developments after 2021 (Section on Recruitment of judges).

GRECO recommendation xvii. GRECO recommended that periodic performance evaluation of judges is carried out by judges on the basis of pre-established, uniform and objective criteria in relation to their daily work.

In the Evaluation Report (para. 145-147), GRECO noted that judges must follow on-going training at the National School of Judges, for at least 40 academic hours every three years. They are subject to regular evaluation (Article 90, LJSJ) which is aimed at identifying the judges' individual needs for improvement and incentives for maintaining their qualification at the proper level and for professional growth. Evaluation is conducted by lecturers at the National School of Judges based on the results of training and replies to a questionnaire and, as an optional addition, by other judges of the court concerned filling in a questionnaire, by the judge himself/herself filling in a self-appraisal questionnaire and by public associations carrying out an independent evaluation of the judge's work during court sessions. The judge concerned can object to the evaluation results presented by the National School of Judges which may complete a new questionnaire. The judge's evaluation questionnaire, upon completion of each training course, any possible objections to the evaluation results and revised evaluation questionnaire are included in the judge's dossier. The results of regular evaluations are to be taken into consideration in connection with the competition for filling a vacancy in the relevant court. The GET was quite puzzled about this rather unusual evaluation system. It clearly shares the concerns expressed by some practitioners that evaluation by lecturers of the National School of Judges hardly guarantees objectivity and equal treatment of judges, since it will depend on short-term impressions and on the particular training attended by them and not on their daily work. Some interlocutors stated that the consequences of such evaluations were rather limited, but the GET noted that they are to be taken into account in competitions for court positions (Article 91, LJSJ). Moreover, the LJSJ does not ensure that evaluations are conducted peer to peer, by judges; this is clearly unsatisfactory, even though the GET was told that in practice a majority of lecturers at the National School of Judges are judges. According to Council of Europe standards and reference texts, evaluation of individual judges – which is "necessary to fulfil two key requirements of any judicial system, namely justice of the highest quality and proper accountability in a democratic society" – "should be based on objective criteria"; and "in order to safeguard judicial independence, individual evaluations should be undertaken primarily by judges." Given the above, GRECO issued recommendation xvii.

In the compliance procedure no progress was made in respect of its implementation (the Compliance Report, para. 97-100, the Second Compliance Report, para. 91-95). In the Interim Second Compliance Report (para. 89-93) GRECO noted the ongoing selection procedure for members of the HQCJ which in turn is the body to establish the criteria for the evaluations of judges. Consequently, no such criteria have been

established to date for carrying out of performance appraisals of judges. GRECO therefore concluded recommendation remaining not implemented.

Promotion of Prosecutors

As already mentioned above (under Recruitment), the procedure for promotion of prosecutors has been significantly changed since the relevant provisions regulating (recruitment and) career of prosecutors were suspended with the adoption of the Law the "On Amendments to Certain Legislative Acts of Ukraine on Priority Measures to Reform the Prosecutor's Office" dated September 19, 2019, 113-IX (Law 113-IX) which suspended certain provisions of the Law on the Prosecutor's Office (LPO).

Previously, prosecutors were promoted by the head of the relevant prosecution office on the recommendation of the Qualification and Disciplinary Commission (QDC) which had powers over career process. The Law 113-IX suspended the work of the QDC from 25th September 2019 until 1st September 2021 (when the QDC was to resume its powers) and in the meantime Personnel Commissions were formed in the Office of the Prosecutor General and in each regional prosecutor's office entrusted with a mandate to ensure recruitment and career of prosecutors in a more expeditious way. The Personnel Commissions were formed by orders of the Prosecutor General consisting of at least seven prosecutors holding administrative positions in the relevant prosecutor's office.

As of 1st September 2021, the procedure for transfer of a prosecutor to a higher-level prosecutor's office has been restored and the Prosecutor General issues Order No. 168 of 31st May 2021 (as amended by Order No. 195 of 14th June 2021) which approved regulations of the commission for the selection of senior staff of prosecutor's offices. The procedure is regulated in the Procedure for conducting a competition for a vacant or temporarily vacant position of a prosecutor in the procedure of transfer to a higher-level prosecutor's office, approved by the decision of the relevant body conducting disciplinary proceedings dated 26th October 2021. QDCs have become operational on 3rd November 2021 (GRECO Second Compliance Report, para. 118). First deputies, deputies of the Prosecutor General, heads of regional prosecutor's offices, their first deputies and deputies, and heads of district prosecutor's offices are also appointed on the recommendation of the Council of Prosecutors. Prosecutors of the Prosecutor General's Office are appointed by the Prosecutor General, prosecutors of the Specialized Anti-Corruption Prosecutor's Office of the Prosecutor General's Office – by the Deputy Prosecutor General who is the Head of the Specialized Anti-Corruption Prosecutor's Office, and prosecutors of regional and district prosecutor's offices – by the heads of the respective regional prosecutor's offices.

The competition for promotion of prosecutors is based on the assessment of the professional level, experience, moral and professional qualities of the candidate and his/her readiness to exercise powers in another body of the prosecutor's office, including at higher levels. The Procedure for competition for a vacant or temporarily vacant position in the prosecutor's office was approved on 26 October 2021 and consists of such stages as law-testing and an interview, including a practical task. Section VI of the Procedure is said to set out a mechanism for determining the results of the competition.

The selection consists of three stages: 1. a practical task; 2. an integrity check; and 2. an interview.

Variants of practical tasks with answers were developed by the Prosecutor`s Training Centre of Ukraine and approved by the Prosecutor General. The passing score (the minimum number of points that could be scored) for the successful completion of the practical task is 50 points. Candidates who scored the minimum allowable score based on the results of the practical task are admitted to the interview.

The interview is conducted by the QDC with the candidates orally in the state language and consists of examination of the candidates' professional level, experience, "moral and business qualities"[1] (taking into account the results of the integrity check) and other criteria[2] and readiness to exercise their powers in the higher-level prosecutor's office according to certain criteria, including taking into account the results of the practical task, materials of the assessment of the candidate's performance for the year preceding the submission of the application for participation in the competition which are previously requested by the secretariat of the QDC from the relevant prosecution body.

The interview consists of the following stages: the study of materials of an electronic dossier of the candidate; discussion with the candidate of relevant materials about him/her, including in the form of questions and answers (questions are of the same level of complexity based on the criteria set forth), as well as the results of the practical task; evaluation of the candidate.

Paragraph 5.12. of this Procedure defines the criteria for evaluating candidates based on the results of the interview, as follows: 1. professional competence and readiness to exercise the powers of a prosecutor in a higher-level prosecutor's office; 2. efficiency of work as a prosecutor; 3. experience in the field of the position for which the application is submitted (the performance of duties in the position for which the competition may be taken into account); 4. moral character, observance of rules of prosecutorial ethics (GRECO Second Compliance Report, para. 115).

Following the discussion of the information contained in the candidate's application for participation in the competition, taking into account the answers given during the interview, the results of the integrity check and the results of the practical task, each member of the QDC awards a candidate from 0 to 25 points for each criterion.

The list of candidates with their total scores based on the results of each stage of selection is published on the official website of the relevant prosecutor's office.

After reviewing the complaints according to the rules, the QDC approves the rating of candidates by its decision, which is published no later than the next working day on the official website of the relevant prosecutor's office.

[1] The part of translated document on procedure for holding a competition for a vacant or temporarily vacant position of a prosecutor in the order of transfer to a high-level prosecutor's office uses two different terms, namely moral and business qualities as well as ethical and professional qualities as a criteria of a candidate. The difference has not been explained, however, it seems that this is merely inconsistency in using the terms.

[2] According to the English version of the "PROCEDURE for holding a competition for a vacant or temporarily vacant position of a prosecutor in the order of transfer to a higher-level prosecutor's office" provided by the authorities in May 2023.

Candidates who successfully passed the selection were considered to be those who scored the highest number of total points according to the rating for the relevant vacant position according to the results of the interview.

Based on the results of the selection by the QDC, the QDC's decision on the candidate who successfully passed the selection is to be sent to the head of the relevant prosecutor's office within 3 working days.

If there are circumstances that have not been investigated by the QDC during the candidate's passing of any stage of selection and could affect the number of total points scored by him, such points at the end of each stage of selection could be challenged.

Pursuant to the Procedure above, decisions of the relevant body regarding transfers and promotions may be appealed before this body on several grounds. Ultimately, Article 130 of the Regulations of the relevant disciplinary body stipulates that these decisions may also be appealed before a court (as per Articles 5 and 19 of the Code of Administrative Procedure). The authorities suggest that such appeals have been submitted regularly and have in many cases been resolved in favour of complainants.

GRECO recommendation xxiv. GRECO recommended regulating in more detail the promotion/career advancement of prosecutors so as to provide for uniform, transparent procedures based on precise, objective criteria, notably merit, and ensuring that any decisions on promotion/career advancement are reasoned and subject to appeal

In the Evaluation Report (see para. 222, 223), the GET's misgivings about the absence of specific rules on prosecutors' promotion, unless it involves transfer to a higher level prosecution office, were noted. In line with GRECO's previous pronouncements on this issue, the GET was of the firm opinion that clear, precise and uniform procedures and criteria, notably merit, need to be enshrined in the law, not only for the first appointment of prosecutors but also for promotion and career advancement; procedures need to be transparent and decisions taken to be reasoned. In this connection, the GET again referred to Council of Europe standards and reference texts according to which "the careers of public prosecutors, their promotions and their mobility must be governed by known and objective criteria, such as competence and experience" and "should be regulated by law and governed by transparent and objective criteria, in accordance with impartial procedures, excluding any discrimination and allowing for the possibility of impartial review." This leads to another matter of concern, namely the insufficient regulation of appeals against decisions on prosecutors' careers. At present, no such regulations exist for decisions on promotion and career advancement. The GET referred to the preference given by GRECO on several occasions for clear regulations requiring that any decisions in appointment and promotion procedures are reasoned and can be appealed to a court, by (any) unsuccessful candidates. To conclude, the GET wished to stress that the further amendments advocated for in the preceding paragraphs will be conducive to strengthening the independence and impartiality of the prosecution service – as well as public trust in this institution – in line with the intentions underlying the recent reforms. Consequently, GRECO issued recommendation xxiv.

In the Compliance Report (see para. 136-142), the authorities reported on approved rules for running a competition and updated the rules on appointing candidates to the posts of prosecutors and approved methodology for assessing the professional level, experience and qualities of

candidates (with a set of tests, practical tasks and specific indicators) by the QDC. The Prosecutor General approved a procedure for the verification of the integrity of prosecutors and an integrity questionnaire periodically filled in by each prosecutor. Following the adoption of the new Law on the Reform of the Prosecutor's Office, a new model for the promotion/career advancement of prosecutors is being developed with the participation of international experts. GRECO assessed the recommendation as partly implemented. In the Second Compliance Report (see para. 112-119), GRECO noted new information provided by the authorities regarding the re-entry into force the relevant provisions of the LPO which discontinued the personnel commission in charge of transfers and promotions. It also noted the adoption of new procedures to regulate transfers and promotions of prosecutors, which include specific criteria to be applied in selection procedures, and noted it also as a step forward. Further, GRECO noted with satisfaction that decisions on promotion can now be appealed, which has been supported by examples from practice. However, the new system has just become operational, and some further measures are still in the pipeline. It is also not clear whether all decisions on promotions and career advancement of prosecutors must be reasoned. In view of the above, GRECO considered this recommendation as implemented only partly. In the Interim Second Compliance Report (see para. 114-126), Ukrainian authorities reported on adoption, in February 2022, of additional rules on the applicable procedure regarding the selection and promotion/career advancement of prosecutors, in order to ensure that they meet the criteria of clarity, objectivity, transparency and impartiality. The selection of candidates and their appointment to the position of prosecutor includes, among other things, such stages as passing a qualification exam (anonymous testing and practical tasks), conducting a special background check, undergoing special training at the Training Centre for Prosecutors of Ukraine, running a competition for filling vacant positions of prosecutors based on the candidate rating. In particular, the purpose of conducting the specified qualification exam is to check the level of theoretical knowledge in the field of law, European standards in the field of human rights protection, level of state language proficiency, analytical abilities of candidates and practical skills. The issue of the preparation for the exam is also detailed (including requirements for the development and approval of testing programs and practical tasks, test questions and model tasks of practical skills). The procedure for taking the exam and evaluating the indicators of the exam result, which is carried out according to a specially developed methodology. The exam is recorded by using video and sound recording, and information about the results of the qualification exam and the place of the candidate for the position of a prosecutor in the ranking is publicly available and is posted on the official website of the relevant body. Regarding promotion/career advancement, the relevant procedures include the performance of an anonymous written practical task, an integrity check and an interview. A methodology has been developed to provide for clear and objective criteria for evaluating the candidate (i.e. candidate's compliance with the requirements of professional level, experience, and moral criteria - business qualities and the criterion of readiness to exercise functions in a higher-level prosecutor's office, including based on the candidates' previous achievements). The new rules also provide for the possibility to involve international observers in decision-making processes regarding promotion/career advancement of prosecutors. Such a possibility has indeed been used in practice. Notably, at the end of August beginning of September 2022, two competitions for filling 43 vacant positions of prosecutors were successfully completed. In total, about 387 candidates took part in the competitions. International experts from the EU Project «Law-Justice» and the International Development Law Organization (IDLO) took an active part in facilitating the conduct of competitions. Their representatives monitored the candidates' performance of the anonymous practical task and ensured the conduct of integrity checks of the candidates. Based on the results of the two competitions and after the evaluation carried out in accordance with the evaluation methodology the rating tables of the candidates with the final assessments of the candidates were approved on 25 August 2022 and 2 September 2022,

respectively. Subsequently, a submission was sent to the Prosecutor General on the appointment of the winners of the competitions to vacant positions in the Prosecutor General's Office. Further competitions to district prosecution offices have been ongoing at the time of adoption of the report. For management positions in the prosecution services (first deputy Prosecutor General, deputy Prosecutor General, head of the regional prosecutor's office, first deputy head of the regional prosecutor's office, deputy head of the regional prosecutor's office, head of the district prosecutor's office), the required procedures establish that the relevant persons be appointed on the recommendation of the Council of Prosecutors of Ukraine, according to evaluation criteria based on professional qualities, moral and business qualities, managerial and organisational abilities, work experience of candidates. During 2021-2022 the Council of Prosecutors of Ukraine issued 27 recommendations on the appointment of prosecutors to management-level positions. The appointment of the head of a unit of the Prosecutor General's Office and the deputy head of a unit of the Prosecutor General's Office is carried out by the Prosecutor General without the recommendation of the Council of Prosecutors of Ukraine. The professional, moral, and business qualities of the candidates, as well as their managerial and organisational abilities and work experience, are taken into account in the relevant appointment. The authorities also highlight that, in the summer of 2022, with the participation of international experts, an open competition for the head of the SAPO was completed. Such appointment was of critical importance since it fulfilled one of the recommendations that accompanied the granting of to the European Union candidate status to Ukraine. In the fall of 2022, a competition to fill eight vacant positions of prosecutors in the SAPO began, the progress of which is regularly reported online. The competition commission includes eight representatives of the prosecutor's office and three representatives of public organisations specialising in the fight against corruption. The authorities also indicate that all decisions of the relevant body need to be motivated. Moreover, there are appeal mechanisms in place: internal before the relevant body, and external before the court. GRECO welcomes the introduction of new rules on the selection and promotion/career advancement of prosecutors which are based on transparency and objectivity (merit based) requirements. Moreover, it notes that all career-related decisions of the relevant body need to be reasoned. The law also provides for internal (before the relevant body) and external (before the court) appeal channels. Thus, all different components of recommendation xxiv have been met and GRECO concluded the recommendation to be implemented satisfactorily.

Confidence and satisfaction of the public with their justice system

Compensation of users of the judicial system

Every person is guaranteed protection of their rights, freedoms and interests within reasonable time frames by an independent, impartial and fair trial (Article 7, LSJS). Violation by a judge of these principles – including unreasonable delay or failure to take action on considering an application, complaints or case within a timeline established by law, delays in drafting a motivated court decision, untimely submission of a copy of a court decision by a judge to be entered into the register – result in disciplinary liability (Article 106, LSJS).

No information has been provided by the authorities with regard to citizens' right to seek compensation in case they have suffered damages for excessive length of proceedings, non-execution of court decisions, wrongful arrest or conviction.

There is a procedure for filing complaints about the functioning of the judicial system in place. Depending on the issue, complaints are to be filed with the HCJ within the disciplinary system, to the Ombudsman or to the anti-corruption bodies (e.g. the High Anti-Corruption Bureau of Ukraine, the State Bureau of Investigations, or the National Agency on Prevention of Corruption). All competent bodies have time limits prescribed in which they have to deal with the complaints. On the basis of the Law on the Judiciary and the Status of Judges (LJSJ), disciplinary proceedings against judges are carried out by the Disciplinary Chamber of the HCJ, in accordance with the procedure as set out in the Law on the HCJ. A template of a disciplinary complaint which has been approved by the HCJ is posted on the HCJ's website. Disciplinary proceedings are to be carried out within reasonable time.

The data regarding complaints and compensations granted by type of circumstances was reported as not available for 2021 and 2022. For 2023, the authorities have submitted no response thereon.

Procedure to challenge a judge

For 2021, authorities reported that there is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. For 2023, authorities submitted no response on the existence of such a procedure, idem for the data on the ratio between the total number of initiated procedures of challenges and total number of finalised challenges.

Instructions to prosecute or not addressed to public prosecutors

The Prosecution service of Ukraine enjoys an independent status as a separate entity among state institutions. The Law on Prosecutor's Office (LPO) prevents specific instructions to be made to public prosecutors to prosecute or not through a principle of independence of prosecutors. Article 16 emphasises that when performing prosecutorial functions, a public prosecutor is independent of any illegitimate influence, pressure, interference, and is guided in their operation exclusively by the Constitution and the laws of Ukraine. According to Article 17, lower-level

prosecutors are subordinated to higher-level prosecutors who have a right to give instructions, to approve certain decisions and to perform other actions directly related to the exercise of prosecutorial functions by that prosecutor, solely within the limits and in the manner prescribed by the law. The Prosecutor General has the right to give instructions to any prosecutor. Orders of administrative nature, as well as instructions directly related to the exercise by the prosecutor of the prosecution functions, issued (given) in writing within the powers defined by law, shall be binding on the respective prosecutor. The prosecutor, who was given an order or instruction orally, shall be provided with a written confirmation of such order or instruction. The prosecutor shall not be obliged to execute orders and instructions of a higher-level prosecutor, which raise doubts as to their legality, if he/she has not received them in writing, as well as obviously criminal orders or instructions. The prosecutor shall have the right to apply to the Council of Prosecutors of Ukraine with a report on the threat to his/her independence in connection with the issuance (giving) of an order or instruction by a higher-level prosecutor. Issuing (giving) an unlawful order or instruction or its execution, as well as issuing (giving) or execution of an obviously criminal order or instruction shall entail liability as provided by law. The authorities have reported that the data is not available on the number of instructions issued to prosecutors to prosecute or not in 2023.

Pursuant to Article 16(5) of LPO, public authorities, local self-government bodies, other state bodies, their officials and employees, as well as individuals and legal entities and their associations are obliged to respect the independence of the prosecutor and refrain from exercising any form of influence on the prosecutor in order to impede the performance of official duties or make an illegal decision.

With regard to special favourable arrangements to be applied to various categories of vulnerable persons during judicial proceedings, the following were reported as being in place in 2023: special arrangements in hearings for victims of sexual violence/rape; minors (witnesses or victims), juvenile offenders.

Promotion of integrity and prevention of corruption

Independence of judges

In accordance with article 126 of the Constitution, the independence of judges is guaranteed by the Constitution and laws of Ukraine, and any influence on judges is prohibited (see also Article 129 of the Constitution and Articles 6 and 48 of the LSJS – i.e. prohibition of interference with the administration of justice, influence on the court or judges in any way, contempt of court or judges, collection, storage, use and dissemination of information in any form to harm the authority of judges or influence the impartiality of the court). Courts are to exercise justice on the basis of the Constitution, the laws and the rule of law (the Evaluation Report, para. 126).

Judicial independence shall be ensured by a special procedure for his/her appointment, prosecution, dismissal and termination of his/her powers; the legal immunity of the judge; the irremovability of the judge; the procedure for the administration of justice which is determined by the procedural law, the secrecy of judge's chambers; the prohibition of interference in the administration of justice; the sanctions for contempt of court or judge; a special procedure for financing and organisational support of the courts which is established by law; the proper compensation and social security of the judge; operation of judicial administration and self-government bodies; the means of ensuring the personal security of the judge, his/her

family and assets, as well as other means of ensuring the personal protection as determined by the law; the right of the judge to resign. (Part 5 of Article 48 of the Law of Ukraine “On the Judiciary and the status of Judges”).

According to Article 126 of the LSJS, judicial self-government is one of the guarantees of judges’ independence. According to the law, the Congress of Judges is the supreme body of judicial self-governance. Its decisions are binding on the other self-governance bodies and on all judges. It is composed of delegates of all courts elected by the meetings of judges (at court level) and, inter alia, it elects the Constitutional Court Justices and members of the Council of Judges, the High Council of Justice and the High Qualifications Commission of Judges. The Council of Judges is composed of judges of different court levels and is tasked with ensuring the implementation of decisions of the Congress of Judges (the Evaluation Report, para. 122).

The High Council of Justice (HCJ) has a prominent role in the appointment and dismissal of judges, supervision of incompatibility requirements on judges (and prosecutors) and in disciplinary proceedings. It also gives consent to the detention or taking into custody of a judge, takes measures to ensure the independence of judges, decides on the transfer of judges from one court to another, etc. (the Evaluation Report, para. 123). It also provides its agreement on the reallocation of budget expenditures between courts (except the Supreme Court).

According to Article 73 of the Law of Ukraine “On the High Council of Justice”, in order to guarantee the independence of judges and the authority of justice, the High Council of Justice on its official website holds and publishes the register of statements of judges concerning the interference in the functioning of a judge regarding the administration of justice, checks such statements, publishes the findings and adopts the respective decisions. According to the fourth part of Article 48 of the Law of Ukraine “On the Judiciary and the status of Judges”, the judges shall be obliged to notify the High Council of Justice and the Prosecutor General of any interference with his/her administration of justice as a judge. As of December 31, 2021, the register of reports of statements of judges concerning the interference in the functioning of a judge regarding the administration of justice, which is published on the official website of the High Council of Justice, contained 1,846 reports of interference by judges, of which: in 2016 – 23 statements; in 2017 – 312 statements; in 2018 – 435 statements; in 2019 – 449 statements; in 2020 – 344 statements; in 2021 – 283 statements.

In addition, in accordance with paragraph 7 of the first part of Article 73 of the Law of Ukraine “On the High Council of Justice”, in order to guarantee the independence of judges and the authority of justice, the High Council of Justice, in cooperation with bodies of the judicial self-governance, other bodies and agencies of the justice system, non-governmental organisations prepares and publishes the annual report on the statement of guaranteeing the independence of judges in Ukraine.

By the decision of the High Council of Justice dated May 30, 2017 No. 1333/0/15-17, a Standing Commission was established to prepare an annual report on the state of guaranteeing the independence of judges in Ukraine (hereinafter referred to as the Standing Commission). By decision of the High Council of Justice of October 16, 2018 No. 3140/0/15-18, of May 16, 2019 No. 1335/0/15-19, of December 3, 2019 No. 3299/0/15-1of May 11, 2021 No. 993 /0/ 15-21, changes were made to the composition of the Standing Commission. Decision No. 3475/0/15-20

of December 10, 2020 approved the structure of the report. To implement the powers to guarantee the independence of judges and the authority of justice, the High Council of Justice prepared and published four such annual reports – for 2017, 2018, 2019 and 2020.

Organisational and financial support to the judiciary is provided by the State Judicial Administration. It is a state body accountable to the HCJ. It has a variety of functions including representing the courts in their relations with the Cabinet of Ministers and Parliament during the preparation of the annual State Budget, ensuring proper conditions for the activity of courts and other bodies of the judiciary, collection and analysis of court statistics, the management of the Unified Judicial Informational Telecommunication System etc. Its chair is appointed and dismissed from by the HCJ on a competitive basis.

Independence of prosecutors

Article 131-1 of the Constitution of Ukraine guarantees independent status and defines powers vested in the prosecutor's office. According to Article 71 of the Law of Ukraine "On the Prosecutor's Office", the Council of Prosecutors of Ukraine, inter alia, shall organise the implementation of measures to ensure the independence of prosecutors, to improve the state of organisational support for the activities of prosecutor's offices; consider appeals from prosecutors and other reports about a threat to the independence of prosecutors and shall take appropriate measures based on the results of consideration (informs the relevant authorities about the grounds for bringing to criminal, disciplinary or other liability; initiate consideration of the issue of taking measures to ensure the safety of prosecutors; publish statements on behalf of the prosecutorial corps on facts of violation of the prosecutor's independence; apply to international organisations with relevant reports, etc.).

Article 3 LPO sets forth the principles of operation of the prosecution service, which include the "independence of prosecutors, which implies the existence of safeguards against illegal political, financial or other influence on a prosecutor in connection with his/her decision-making when performing official duties". Article 16, LPO guarantees prosecutors, when carrying out the functions of the prosecutor's office, to be independent of any unlawful influence, pressure, interference, and that s/he is guided only by the Constitution and laws of Ukraine. The same provision also contains a list of safeguards, including special procedures for appointment, dismissal and disciplinary sanctions, the prohibition of unlawful independence, pressure of interference in the exercise of the prosecutor's powers, the functioning of prosecutorial self-governance institutions, etc.

The LPO provides for extensive powers vested in the Prosecutor General, in particular, regarding structural and personnel matters, as well as disciplinary proceedings.

The All-Ukrainian Conference of Prosecution Employees (AUCEP) is the highest body of prosecutorial self-governance (Article 67 *et seqq.* LPO). Its decisions are binding on the Council of Prosecutors and on all prosecutors. The AUCEP is competent, inter alia, to appoint members of the HCJ, the Council of Prosecutors and the Qualifications and Disciplinary Commission. Its delegates are elected at the meetings of prosecutors from the different levels of prosecution offices. The AUCEP elects the presidium by secret ballot. Its decisions are adopted by a majority of all delegates (the Evaluation Report, para. 212).

The Qualifications and Disciplinary Commission (QDC) was a collegial body empowered to establish the level of professional requirements for candidate prosecutors, decide on disciplinary liability, transfer and dismissal of prosecutors (Article 73 et seqq., LPO). It consisted of 11 members including five prosecutors appointed by the AUCEP, two scholars appointed by the Congress of law schools and scientific institutions, one defence lawyer appointed by the congress of defence lawyers and three individuals appointed by the Parliamentary Commissioner for Human Rights following approval by the competent parliamentary committee. They served three-year terms and may not have been reappointed for two consecutive terms. However, due to entry into force of Law 113-IX on 25th September 2019, the provisions of the Law of Ukraine "On the Prosecutor's Office" which determined the legal status of the Qualification and Disciplinary Commission of Prosecutors, were suspended and the powers of the chairman and members of this commission were terminated.

GRECO recommendation xxiii. GRECO recommended amending the statutory composition of the Qualifications and Disciplinary Commission to ensure an absolute majority of prosecutorial practitioners elected by their peers.

In the Evaluation Report (see para. 214-216), the GET acknowledged the recent positive reforms aimed at strengthening prosecutorial self-governance and thereby the autonomy of the prosecution service and its independence from political influence. It wished to emphasise how important it is that the self-governing bodies credibly represent – and are also seen to do so – the whole prosecutorial corpus. It also drew attention to the fact that in Ukraine, those bodies are endowed with core responsibilities including in personnel matters (QDC). It is therefore of prime importance that their activity is assessed carefully in order to ascertain whether they assume their role as independent and pro-active self-governing bodies. One specific area where there is room for further improvement is the composition of the QDC. While the GET agreed that the involvement in such a body of experts from outside the prosecution service may in principle contribute to unbiased decision-making, it was on the other hand concerned that the current legislation does not secure a majority of prosecutors in the QDC. This contrasts with the situation in virtually all member States which have put in place similar bodies. As GRECO has pointed out on previous occasions, ensuring a majority of prosecutors elected by their peers in prosecutorial self-governing bodies is an appropriate means to help them to fully assert their legitimacy and credibility and to strengthen their role as guarantors of the independence of prosecutors their legitimacy and credibility and to strengthen their role as guarantors of the independence of prosecutors and the autonomy of the prosecution service. Consequently, GRECO issued recommendation xxiii.

In the compliance procedure no progress has been noted (see para. 130-135, the Compliance Report). In the Second Compliance Report (see para. 106-111) GRECO noted that the composition of the relevant disciplinary body falls short of the requirement of the recommendation. GRECO also noted that draft legislation appears to be in preparation to address the core of this recommendation – to ensure that an absolute majority of its members are prosecutors, elected by their peers. However, since the draft has not yet reached Parliament, the recommendation cannot be considered partly implemented. In the Interim Second Compliance Report (para. 105-113), GRECO noted information provided by the Ukrainian authorities, namely that the statutory composition of the relevant body is the same as it was in the Fourth evaluation Round, which means that the absolute majority of prosecutorial practitioners elected by their peers is not guaranteed. No legislative change followed in this respect. An

amendment has been proposed to increase the number of prosecutors elected by their peers, but it is still at incipient status of discussion with Parliament. Hence, GRECO concluded recommendation as remaining not implemented.

Breaches of integrity for judges

Provisions which describe different possible breaches of integrity of judges are contained in the Constitution (Article 131) – grounds for dismissal of judges are failure to exercise his/her powers for health reasons; violation of the incompatibility regulations; commission of a substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with the status of judge or which has revealed his/her incompatibility with the office; resignation or voluntary termination of service; refusal to be transferred to another court in case of dissolution or reorganisation of a court; breach of the obligation to prove the legality of the sources of his/her assets. The HCJ is competent to decide on the dismissal of judges (Article 131 of the Constitution). Furthermore, they are contained in the Code of Judicial Ethics which is composed of the three chapters “general provisions”, “judicial conduct in the administration of justice” and “judicial conduct off-the-bench” (altogether 20 articles). Judges are also subject to provisions of the LPC on prevention of corruption, conflicts of interest, gifts and obligations with regard to asset declarations. Rules on incompatibilities (apart from the once contained in Article 127 of the Constitution - judges may not belong to any political party or trade union, engage in any political activity, hold a representative mandate, occupy any other paid position, or perform other remunerated work except of a scientific, educational or creative nature) are contained in the LJSJ. Some rules on incompatibilities are contained also in the LPC, including restriction on other part-time activities and on joint work with close persons. Recusal and conditions for it are specified in the procedural laws (Civil Procedure Code, Criminal Procedure Code, Commercial Procedural Code and Code of Administrative Procedure). The Criminal Code criminalizes presenting deliberately incomplete or incorrect data in the asset declaration by a public official (Article 366(1)) (the Evaluation Report, para. 147, 155, 156, 159, 160, 162, 36), illicit enrichment (Article 368-5), passive bribery (Article 369), abuse of power (Article 369-2), provocation of bribery (Article 370), violation of the right to defence (Article 374), disclosure of data of criminal intelligence activity, pre-trial investigation (Article 387) etc.

Breaches of integrity for prosecutors

Provisions which describe different possible breaches of integrity of prosecutors are contained in the Law on Prosecutor’s Office (LPO) according to which prosecutors are to abide by the rules of prosecutorial ethics, in particular not to behave in a way that may compromise them as prosecutors or damage the reputation of the prosecution service (Article 19). A regular (two or more times within one year) or one-off gross violation of prosecutorial ethics results in disciplinary liability, as well as any actions which discredit the prosecutor and may raise doubts about his/her objectivity, impartiality and independence and about the integrity and incorruptibility of prosecution offices (Article 43, LPO). Moreover, prosecutors are to take the prosecutor‘s oath, the text of which is signed by the prosecutor and kept in his/her personal file (Articles 19 and 36). They are to be held liable for a breach of oath as established by law. The Code of Professional Ethics and Conduct for Prosecutors defines the basic moral norms and principles to be followed by the prosecutors when exercising their official duties and when off duty. Prosecutors are to be held liable for violations of the code of ethics in accordance with applicable legislation. Prosecutors are subject to the relevant LPC provisions on prevention

of corruption, conflicts of interest, gifts and obligations regarding declarations of assets. Recusal of prosecutors and conditions for it are specified in the Criminal Procedure Code. The Criminal Code criminalizes deliberately presenting incomplete or incorrect data in the asset declaration by a public official (Article 366(1)) (the Evaluation Report, para. 236, 237, 36 and 244).

On assets declaration, see also below GRECO's findings (the Interim Compliance Report (para. 11-21).

Breaches of integrity for courts staff

The data on different possible breaches of integrity of **staff of the court** have been reported as not available for 2023.

Number of criminal cases against judges and prosecutors

	2021				2023			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	NA	NA	NA	NA	NA	NA	6,00	0,07
Number of completed cases	NA	NA	NA	NA	NA	NA	4,00	0,04
Number of sanctions pronounced	NA	NA	NA	NA	6	0,12	6,00	0,07

The data on the number (absolute and per 100 judges) of criminal cases initiated and completed against judges was reported as not available for 2023. However, 6 sanctions were reported as pronounced in respect of judges in 2023. As regards prosecutors, 6 cases were initiated, 4 were completed and 6 sanctions pronounced. Compared to 2021, there is a slight improvement in data availability in these respects.

Existence of specific measures to prevent corruption

Specific measures to prevent corruption among judges and prosecutors are in place, namely gift rules, specific training, internal controls and safe complaints mechanisms.

In-service training on ethics

There are optional in-service trainings on ethics and prevention of corruption occasionally available to judges. However, for prosecutors such training is compulsory and regularly provided by the Training Centre of Prosecutors of Ukraine. Prosecutors take distance training on ethics and corruption prevention yearly.

Codes of ethics for judges and prosecutors

Matters of judicial ethics are defined by the Code of Judicial Ethics, which was approved by the Council of Judges in December 2012 and adopted by the Congress of Judges on 22nd February 2013. During the preparation of the code, international standards of professional judicial ethics were taken into consideration. The code is composed of the three chapters "general provisions", "judicial conduct in the administration of justice" and "judicial conduct off-the-bench" (altogether 20 articles). The code contains a set of rules on adherence to judicial values (independence, integrity, impartiality), judges' relationship with institution, citizens and users, extrajudicial and political activities, information disclosure and relationship with press agencies, association membership and institutional positions. The Code of Judicial Ethics has been disseminated to all judges. It is also made available to the general public on the Internet. In addition, in 2016 the Council of Judges issued a "Commentary to the Code of Judicial Ethics" which is also published on the Internet, and online training on judicial ethical has been introduced (the Evaluation Report, para. 155). There is no legal requirement to update the Code of Judicial Ethics, however the authorities reported that the Code from 2013 is an updated version of the Code from 2002.

Responsible institution for ethics matters in respect of judges is the HCJ. Its sub-council is the Committee on Ethics, Prevention of Corruption and Conflict of Interest within the HCJ composed only of judges. Its tasks inter alia include preparation of draft explanations, recommendations and advisory opinions of the HCJ on the application and interpretation of the rules of judicial ethics. Decisions on ethical matters and other documents such as the Commentary to the Code of Judicial Ethics are publicly available. In 2023, the data on the nr of opinions thereon have been reported as not available.

The Code of Professional Ethics and Conduct for Prosecutors was adopted by the AUCEP on 27th April 2017 and amended in 2018 and 2021. It defines the basic moral norms and principles to be followed by the prosecutors when exercising their official duties and when off duty. The code contains a set of rules on adherence to judicial values (independence, integrity, impartiality), judges' relationship with institution, citizens and users, judges' competence and continuing education, extrajudicial and political activities, conflict of interest, information disclosure and relationship with press agencies, association membership and institutional positions and gifts. Prosecutors are to be held liable for violations of the code of ethics in accordance with applicable legislation (the Evaluation Report, para. 237). The Commentary to the Code of professional ethics and rules of professional conduct of prosecutors has been approved by the decision of the Council of Prosecutors in November 2022. In order to bring it to attention of the prosecutors, all prosecutors have been notified of it and it is used during mandatory training on professional ethics of prosecutors at the Training Centre of Prosecutors. It is also published on the website. The Commentary contains explanations of the provisions of the Code of Professional Ethics and Conduct of Prosecutors, situational (illustrative) examples, taking into account the results of its

practical application, the activities of the Qualification and Disciplinary Commission of Prosecutors, the relevant body conducting disciplinary proceedings, and judicial practice.

The institution responsible for issues on ethics in respect of prosecutors was the QDC. However, with the adoption of the Law 113-IX on 19th September 2019 which entered into force on 25th September 2019, provisions of the LPO which determined the status and powers of the QDC, which included also providing opinion on ethical questions of the conduct of prosecutors, were suspended until 1st September 2021 and the members of the QDC were considered dismissed.

GRECO recommendation xxvii. GRECO recommended (i) that the new code of ethics for prosecutors be complemented by illustrative guidelines (e.g. concerning conflicts of interest, gifts and other integrity-related matters) and (ii) that those documents be brought to the attention of all prosecutors and made public.

In the Evaluation Report (see para. 238), the GET acknowledged that following the constitution of the new self-governing bodies, a new code of ethics has now been adopted. In terms of content, it builds on the previous code of 2012 but is more specific, e.g. on conflicts of interest and the principle of presumption of innocence. It is also to be welcomed that the 2017 version contains new provisions on respect for the independence of judges and on the prevention of corruption. On the other hand, the GET saw a need for supplementing the rather general ethical standards with further written illustrative guidance, explanatory comments or practical examples (e.g. with regard to risks of corruption and conflicts of interest). It was interested to hear, after the visit, that such guidance was under preparation. The GET wished to stress that clear guidance must also be provided on the acceptance of gifts, which is regrettably not addressed by the code of ethics itself. Finally, it is crucial that the code and further guidance are brought to the attention of all prosecutors and made public. In view of the foregoing, GRECO issued recommendation xxvii.

In the compliance procedure, the authorities reported on amendments to the code made in 2018. Moreover, the Prosecutor General's Office has approved and published the recommendations to prevent and resolve conflicts of interest. The recommendations are accompanied by detailed and visual (including graphic) materials, including a self-assessment test, guidelines for employees and their superiors as well as examples and sample documents. In 2018, it issued an order on acceptance of gifts and later approved and published recommendations regarding restrictions on gifts. It has published other guidelines, in particular, regarding e-declaration of assets, interests and liabilities and financial control. Awareness raising activities and trainings were also reported. GRECO noted this information but at the same time observed no guidelines were reported with respect to other integrity related matters (such as incompatibilities, etc). Moreover, the available guidelines are scattered in various regulatory documents. The National Academy has elaborated a manual covering ethics for prosecutors. The reported training and awareness raising activities have been enhanced. GRECO looked forward to a genuinely systemic approach in this respect, in particular by the future Training Centre of Prosecutors (which is to replace the National Academy). As a consequence, GRECO concluded this recommendation to be partly implemented (the Compliance Report, para. 154-160). In the Second Compliance Report (see para. 132-136) the authorities have not reported any new measures and GRECO concluded recommendation remains partly implemented. In the Interim Second Compliance Report (see para. 138-143), GRECO noted the Commentary to the Code of Professional Ethics and Conduct of Prosecutors has been approved by the Decision of

the Council of Prosecutors of Ukraine on 23 November 2022 and is available for public access on the website of the Prosecutor General's Office. The Commentary clarifies the content of the Code, namely the issued of conflicts of interest, gifts, declaration of assets, integrity etc. It also includes illustrative guidelines. Awareness-raising measures have been taken to ensure the prosecutors familiarised themselves with the Commentary. It was also sent to the Training Centre for its inclusion in training programmes and its use in training events. GRECO therefore concluded recommendation to be implemented satisfactorily.

The authorities have reported that there was a body composed only by prosecutors providing opinions to prosecutors on ethical matters. In 2023, the data on the nr of opinions thereon have been reported as not available.

Established mechanisms to report influence/corruption on judges and prosecutors

Regarding the established mechanisms for reporting influence/corruption on judges and prosecutors, the authorities refer to the Law "On Amendments to the Law of Ukraine 'On Prevention of Corruption' on Settlement of Certain Issues of Whistleblower Protection" adopted on June 1, 2021. Until the planned launch of the Unified Whistleblower Reporting Portal in accordance with the said law, reports are accepted through communication channels and reviewed in accordance with the procedure established by law. Thus, in accordance with Part 6 of Article 53 of the Law of Ukraine "On Prevention of Corruption" (as amended until 09.12.2023) (hereinafter - the Law), Officials and officials of state bodies, authorities of the Autonomous Republic of Crimea, officials of local self-government bodies, legal entities under public law, their structural subdivisions in the event of detection of a corruption or corruption-related offense or receipt of a notification of the commission of such an offense by employees of the relevant state bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies, legal entities under public law, their structural subdivisions, legal entities specified in the second part of Article 62 of this Law, are obliged to take measures within their powers to stop such an offense and immediately, within 24 hours , to report its commission in writing to a specially authorized entity in the field of anti-corruption. According to the law, the State was obliged to encourage and assist whistle-blowers to report possible facts of corruption or corruption-related offences or other violations specified in the law orally and in writing, in particular through special telephone lines, official websites, electronic means of communication, by contacting mass media, journalists, public associations and trade unions.

Whistle-blowers are to be provided with conditions for reporting of possible facts of corruption or corruption-related offences, other violations of this Law by mandatory establishing and functioning of internal* and regular** channels for reporting of possible facts of corruption or corruption-related offences, other violations of this Law. Thus, the National Agency on Corruption Prevention, has created and ensured the functioning of the relevant regular channels for reporting possible facts of corruption or corruption-related offenses, other violations of the Law, including attempts to influence/corrupt judges and prosecutors.

In particular, the main page of the official website of the National Agency on Corruption Prevention offers information on regular reporting channels where it is possible to report corruption, including attempts to influence/corrupt judges and prosecutors, to the National Agency on Corruption Prevention. Reporting may be done also via phone or by email or web-form.

As per Article 73 of the Law of Ukraine “On the High Council of Justice”, a judge may file a statement on interference in activities concerning administration of justice by another judge which will be considered in a manner prescribed by the aw for the review of a disciplinary complaint. As per Articles 48 and 56 of LJSJ, a judge is obliged to report interference in his/her activities as a judge regarding administering justice to the High Council of Justice and the Prosecutor General within 5 days after becoming aware of such interference. As per the Constitution (Article 131) and the Law on the HJC, the HJC takes measures to guarantee the independence of judges and the authority of justice on its own initiative, as a request of a judge, a court, bodies and agencies of the system of justice.

As per Article 53-1 of the Law of Ukraine “On Prevention of Corruption”, prosecutor’s offices are obliged to ensure the functioning of internal and regular reporting channels for reporting facts of corruption and corruption-related offences. A special telephone line and e-mail were set up to receive information, also anonymous, on violations of rules of prosecutorial ethics by prosecutors. In addition, a prosecutor has a right to report threat to his/her independence to the Council of Prosecutors of Ukraine, which is obliged to check and consider the report and to take necessary measures (Article 16 of the Law of Ukraine “On the Prosecutor’s Office”).

Transparency in distribution of court cases

Pursuant to Article 15 LJSJ, the assignment of a judge/of judges to consider a specific case is carried out by the automated case management system in the manner determined by procedural law. Random allocation method is applied. The criteria for case allocation are the specialisation of judges, the caseload of each judge, bans on participating in the review of decisions for a judge who participated in rendering the court decision in question (except for the review of newly discovered circumstances), judges’ leave, absence due to temporary incapacity to work, business trips and in other cases provided for by law when a judge may not render justice or participate in a case. All interventions on the system are irreversibly logged/registered. The automated system is not used only if there are circumstances that objectively render its functioning impossible and which last for more than five working days, in which case the distribution of cases is determined by the Regulation on the Unified Court Information (Automated) System adopted in 2010 and frequently amended in subsequent years. “Unlawful interference with the work of the automated workflow system of court” entails criminal liability under article 376-1 CC (the Evaluation Report, para. 149). Reassignment of court cases among judges is done in cases as envisaged by the law due to conflict of interest declared by the judges or by the parties, recusal of the judge or requested by the parties and for physical unavailability (illness, longer absence) and it is done on the basis of the Regulation on the Unified Court Information (Automated) System. Automatic and random allocation method is reported as applied. All interventions on the system are irreversibly logged/registered.

A judge may be removed from a specific case only for the reasons set out by law. The grounds and procedure for rejecting a judge are specified by the procedural laws. The rules on disqualification of a judge under the procedural laws are described further below.

Declaration of assets for judges and for prosecutors

Law on Prevention of Corruption (hereinafter: LPC) regulates obligations pertaining to judges and prosecutors with regard to asset declarations. Furthermore, according to provisions of the Law on Judicial System and Status of Judges (LJSJ) judges are obliged to submit annual asset declarations to the NACP in accordance with the provisions of the LPC (the Evaluation Report, para. 173). Also, prosecutors are obliged to submit a copy of the declaration for the previous year when being a candidate for a position of a prosecutor (the Law of Ukraine “On the Prosecutor’s Office”).

The rules on asset declarations are rather comprehensive; they provide for an online declaration system which is mandatory for all public officials and publicity of declarations (some information is not disclosed to the public for privacy and security purposes: address, ID, other personal identification data) (the Evaluation Report, para. 32). Information on assets is entered directly into the Unified State Register of Declarations of Persons Authorized to Perform the Functions of the State or Local Government in electronic form and published on the official website of the National Agency for the Prevention of Corruption. Previously, the declaration form was prescribed by Order of the National Agency dated 23.07.2021 No. 449/21 "On Approval of the Form of Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Government and the Procedure for Filling out and Submitting a Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Government". Subsequently, by Order of the National Agency dated 08.11.2023 № 252/23 "On Approval of the Form of Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Government and the Procedure for Filling out and Submitting a Declaration of a Person Authorized to Perform the Functions of the State or Local Self-Government") the form is valid until 1.12.2024.

The declaration requirement applies upon taking office, on an annual basis during the term of office, by 1st April every year, as well as within 30 days upon termination of office and one year upon termination of office. Declaration should be submitted also when there is a significant change in certain assets that are to be declared (i.e. receipt of income, acquisition of property or expenditure in the amount exceeding 50 subsistence minimum incomes – Article 52 of the Law “On Prevention of Corruption”).

Obligation to report assets is also extended to the public official’s family members (spouse, children under legal age, and any other person (including partners, adult children) who, as of the last day of the reporting period or cumulatively for at least 183 days during the year preceding the year of submission of the declaration, cohabited, resided in the same household or had mutual rights and obligations with the declarant (except for persons whose mutual rights and obligations are not of a family nature), including persons who cohabited with the declarant but were not married). The same declaration form is used by these persons.

Registrable interests include real estate (including objects being in the process of construction), valuable movable property, vehicles, commercial interests, securities (incl. shares, bonds, checks, certificates), corporate rights, intangible assets (including intellectual property rights, cryptocurrency), income and its sources, gifts, monetary assets (cash, funds on bank accounts, funds lent to third parties), liabilities (incl. received

credits, loans), legal entities, trusts or similar legal entities, of which the ultimate beneficial owner is the declarant, expenditure and financial transactions, secondary positions or jobs (also those performed part-time), participation in management, audit or supervisory bodies of non-commercial firms and non-financial interests (the Evaluation Report, para. 34 – see the Table of Registrable Interests and Threshold).

Applicable to both judges and prosecutors, non-submission, untimely submission of an asset declaration or submission of knowingly inaccurate (including incomplete) information constitutes a disciplinary offence (for judges as per the Law on Ukraine "on the Judicial System and Status of Judges" and for prosecutors as per the Law on Ukraine "On Prosecutor's Office"). Moreover, administrative and criminal liability is provided for by the Administrative Offences Code and the Criminal Code.

Penalties applicable to judges include: a fine, a withdrawal from cases, other criminal sanctions (in case of declaration of false information) and disciplinary sanctions (admonishment; reprimand – with deprivation of the right to receive bonuses to the salary of a judge for one month; strict reprimand – with deprivation of the right to receive bonuses for three months; proposal on temporary (one to six months) suspension from the administration of justice – with deprivation of the right to receive bonuses, and mandatory training and subsequent qualification evaluation for confirmation of the judge's ability to administer justice in the relevant court; proposal on transfer of the judge to a lower-level court; and proposal on dismissal of the judge. A proposal to dismiss a judge can be made if the judge violated the duty to prove the legality of the sources of his/her assets) (the Evaluation Report, para. 184 and 147).

Disciplinary sanctions applicable to prosecutors include: fine, other criminal sanction (in case of declaring false information) and disciplinary sanctions (as per Article 49 of the LPO) reprimand; ban for up to one year on a transfer to a higher prosecution office or on appointment to a higher position (except for the Prosecutor General); dismissal from office (the Evaluation Report, para. 258).

Authority competent to receive asset declarations of judges and prosecutors is the National Agency on Corruption Prevention (NACP) which keeps a register of declarations.

According to the LPC, the NACP conducts control of timeliness of submission, accuracy and completeness of the declarations as well as logical and arithmetic control. The NACP carries out a complete examination of asset declarations, within 90 days of their filing; more particularly, it is to ascertain the reliability of the declared data, the accuracy in the evaluation of the declared assets, as well as the presence of a conflict of interest and signs of illicit enrichment (so-called "lifestyle monitoring"). When results of the complete examination of the declaration show false information included in the declaration, the NACP shall notify in writing the head of the relevant authority, where the respective declarant works, and other specialised bodies in the field of combating corruption. The NACP is empowered to access other authorities' databases (e.g. tax authorities, real estate registry, etc.), as necessary while performing its verification task. If the NACP detects minor violations of the rules (failure to submit an asset declaration within the time limit), it is itself responsible for imposing rather significant fines ranging from 50 to 100 gross minimum wages depending on the seriousness of the infringement (2 500 to 5 000 €), as well as a professional ban of up to one year. In more serious cases, i.e. where it was found that an official presented deliberately incomplete or incorrect data, as punishable under Article 366(1) of the Criminal Code, or where there are signs of illicit enrichment, as punishable by Article 368(2) of the Criminal Code), it refers the cases to the National Anti-

Corruption Bureau (NABU). Criminal sanctions consisting of imprisonment, fines and/or professional bans are applicable in such cases (the Evaluation Report, para. 176, 177 and 178 to be read in conjunction with para. 36).

GRECO recommendation ii. GRECO recommended that appropriate regulatory, institutional and operational measures be taken to ensure effective supervision of the existing financial declaration requirements, including, but not limited to the enactment of by-laws allowing the NACP to perform its verification tasks; the adoption of an objective lifestyle monitoring procedure; the introduction, without delay, of automated cross-checks of data and interoperability of databases, with due regard for privacy rights; and the institution of appeal channels for sanctions imposed.

In the Evaluation Report (para. 37-44), GRECO noted it was clear that the monitoring work by the NACP is of prime importance for the declaration system to operate properly given that, as described above, it is the main entry point for checking the information and possibly detecting irregularities. Accordingly, the GET deemed it crucial that a range of measures follow to ensure effective scrutiny of asset declarations, as established in the LPC. Firstly, it is indispensable that every effort be made to equip the relevant division of the NACP with adequate personnel and material resources. In this connection, the recruitment process of staff (with civil servant status) is an on-going process: the NACP should have 311 employees, but it currently functions with 186 (60% of its statutorily fixed resources). It was foreseen that a total of 56 officials would be performing asset declaration verification; currently, there are 36 officials who have been recruited to this aim. Material and technical shortages were also reported on-site (office premises, equipment, office furniture either lacking or in unusable condition, electricity black-outs). The GET considered that the issue of personnel means of the NACP needs to be framed in a broader context as to its technical resources, including through the development of automated databases and appropriate back-up software for those. The GET noted that, since its establishment, staff recruitment of the NACP has proceeded at a reasonable pace, and various interlocutors, raised the concern that rather than a shortage in resources, what the NACP was mostly lacking at present was proactivity and determination in pursuing its role. The budget of the NACP in 2016 amounted to approximately €828,000 (74% of which is devoted to party funding monitoring). Secondly, the GET noted that, at the time of the on-site visit, the NACP had not been in a position to start verification of asset declarations given that it lacked the requisite internal regulations for doing so. This was signalled as a most troubling situation by all interlocutors met. Moreover, the United Nations Development Programme (UNDP) offer to provide the software required for undertaking automated verification of e-declarations met with reluctance from the NACP, which, in turn, has opted for hand-picking manual verification of “first wave” declarations, and subsequently tendering out, in the future, the development of software for automated verification. Such an option departs from objective verification means and can only contribute to spreading suspicions of bias in the process. It is clear that the use of technology could better allow for comparability across time of asset and income variations could well facilitate early detection of potential anomalies and irregularities. The GET was firmly convinced that, for the verification process to be considered transparent, fair and balanced, it is essential that clear criteria, deadlines and order of inspections are laid down in regulation, and that appeal channels are in place for non-compliance decisions. Likewise, decisions of the NACP must be fully justified and public; both criteria which the GET was told were missing at present when looking into the way in which the NACP is operating (see also misgivings noted above, in paragraph 29 of the report). Another outstanding issue relates to the requisite access of the NACP to the registries held by other authorities, and the actual interoperability of databases - safe respect for privacy rights, a process that is currently under development, but yet needs to be concluded. The GET understood the advantage of forming new specialised bodies, particularly, in a context where former structures were tainted by corruption;

however, it is important to ensure that mandates do not overlap and that they all coordinate efficiently and swiftly with one another to get things done. The GET was worried to hear repeated criticism regarding the inefficiency and irresponsibility of the NACP in this particularly sensitive matter; several interlocutors went further in stressing that these were all deliberate delays and that the NACP inconclusive attitude was obstructing de facto the effective operability of the e-declaration system. The GET could only be perplexed as to the current state of affairs and the inability of the NACP to conduct this matter in a more expeditious manner. Consequently, GRECO issued recommendation ii.

In the Compliance Report (see para. 17-24), GRECO noted legal and regulatory measures that had been taken to improve control of financial declarations and to provide for appeal channels, but an objective "lifestyle monitoring procedure" had still been lacking. Several novelties had been introduced (such as direct access of NACP to state registers and databases, automated processing of declarations, filling gaps in the scope of the reporting categories covered and expanding the reporting data), but reservations had remained concerning the effective operation of the system in practice (in particular, the risk for hand-picking and manual processing of declarations remained high; malfunctioning and technical problems occasionally experienced by the e-declaration system continued to draw criticism, and allegations had been made regarding unlawful interference and limited interoperability with other databases). To sum up, improvements made in legislation needed to be coupled with practical measures addressing the deficiencies of the operation of the system of declarations and their supervision in practice. Recommendation was thus assessed as partly implemented.

In the Second Compliance Report (see para. 17-24), GRECO noted the information submitted by the authorities on the updated regulations from 2020 by NACP regarding full inspections of declarations and automated distribution of declarations for verification to the NACP staff. However, following the Constitutional Court Decision No. 13-R/202014 of 27 October 2020, the NACP has been deprived of some of its functions regarding collecting and supervising asset declarations. To remedy the consequences brought about by the Constitutional Court Decision No. 13-R/2020, amendments were adopted to the LPC by Parliament in 2021, following which the NACP approved new procedures for verification of declarations, which is said to be analogous to the one approved in 2020, that is, the responsibility for full verification of declarations remains assigned to NACP officials, still based of random allocation. According to the authorities, from January to October 2021, the NAPC has initiated verifications of 1,220 declarations, of which a full verification has been completed in respect of 606 declarations. In addition, to regulate the automated data verification, in 2020 the NACP updated a dedicated programme entitled "Logical and arithmetic control system" (LAC), which scans data contained in all declarations. Since its launch on 1 September 2020, the LAC analysed two thousand declarations per week, reaching a 100 000 declarations per month capacity by the end of November 2020. The authorities report that by May 2021, some 950 000 declarations have been scanned through the LAC. Moreover, the practical experience gathered from the operation of the LAC led to updating, in 2021, the assessment indicators and checklists. Finally, the authorities report that following updating the declarations register in 2020, the data contained in the register has been transferred to NACP's own servers, located in the dedicated data protection centre, providing an improved data security and a smoother operation of the system. The authorities also confirm that the NACP has been given with full access to all 16 electronic registers and databases for crosschecking declarations in automated mode. GRECO takes note of the information provided. The regulatory and practical measures taken by the authorities during the reporting period represent tangible progress in the implementation of this recommendation. GRECO notes that the adverse consequences for the effectiveness of the anti-corruption system in Ukraine, brought about by the Decision No.13-R of the Constitutional

Court of 27 October 2020, have been remedied to some extent by legal amendments to the Law on Prevention of Corruption, adopted in December 2020, notably by restoring the essential part of the NACP's remit and functions relating to the prevention of corruption18. That said, the competences of the specialised anti-corruption bodies have been subject to several substantial revisions in the last two years, and the system of verifications of asset declarations in its current form has been established only very recently. The efficiency of this system is yet to be tested through well-established practice. Further, no information has been provided concerning the appeal channels for sanctions imposed. GRECO therefore concluded this recommendation remains partly implemented.

In the Interim Compliance Report (para. 11-21) GRECO noted information from the Ukrainian authorities on the functioning of the financial declaration system and the action taken following infringements related to filing obligations. In 2021, NACP completed comprehensive verification of 1026 declarations (including judges) and assessed that the non-declared/false information approximated more than 1 billion UAH (approx. 42 million USD as of 2021). Following the large-scale armed aggression of the Russian Federation against Ukraine, a regime of martial law was imposed. Due to the war, public access to a number of State registers, including the register of financial declarations, was restricted in order to prevent unauthorised access and protect sensitive data. During this period of martial law, the submission of declarations is optional and verifications by NACP have been paused. This is considered a temporary situation which has been strictly restricted by regulation to the state of war. Once this is over, it is foreseen that persons required to file financial reports would do so within three months and that verifications will re-start immediately. Moreover, in the context of Ukraine's integration to the EU (and the pre-condition to meet certain anti-corruption benchmarks), a draft legislative proposal has been tabled to relaunch mandatory financial disclosure and to "unfreeze" the powers of NACP regarding financial control. However, in the meantime NACP continues to implement its financial control in cases that are not subject to the restrictions imposed during the period of martial law, albeit this activity has significantly decreased (against 16 169 special verifications in 2021, only 1 346 were conducted in 2022, which is 8% of the previous year's indicator). Also, NACP has improved its e-filing system and has advocated for the extension of the list of reporting persons so that, as a result, the officials of the largest State-owned company, Naftogaz, are now obliged to submit declarations. GRECO acknowledge the tangible efforts made by Ukraine to better ensure effective supervision of the financial declaration regime. However, due to the martial law, the financial reporting system and its supervision has been put on hold and therefore concludes recommendation ii remaining partly implemented.

GRECO recommendation iii. GRECO recommended ensuring that in practice, the NABU is granted proper and unhindered access a) to the complete asset declarations received by the NACP and b) in the framework of criminal proceedings started on the basis of such declarations, to all national and regional databases necessary for the proper scrutiny of asset declarations

Thirdly, it must be noted that the National Anti-Corruption Bureau (NABU) – which is competent for the prevention, detection, suppression, investigation and solving of corruption offences committed by senior officials – has enforcement responsibilities in the implementation of the asset disclosure system. Notably, it is entrusted with determining investigative and sanctioning attributions in the event of suspicions of criminal activity, tax evasion or illicit enrichment. Since its establishment in 2016, the NABU has proven to be an efficient institution in countering corruption in Ukraine, as evidenced by its strong track record of investigations. There have been some worrying signs going in the direction of curtailing NABU's

remit; such moves could put in question the actual political will to tackle corruption, not only with words, but also in practice. It is crucial that the NABU is further supported by the Ukrainian authorities, and shielded from improper influence or pressure, for it to continue its work as determinedly and efficiently as it has done to date. The NABU has also been fairly proactive in verifying the veracity of the financial disclosure forms available online for public consultation. At the time of the on-site visit, it had opened 10 criminal proceedings, a number of which concern MPs and judges. Pursuant to Article 17(3) of the Law on the National Anti-Corruption Bureau, the NABU has the right to obtain information on asset declarations; however, the NACP had refused to give full access to the registry of declarations (including information which is not publicly available, i.e. personal identification data) to the NABU. This refusal by the NACP raises doubts as to its willingness to swiftly cooperate with a natural partner in implementation of the law; the provisions of the LPC clearly aim at the NACP and the NABU mutually reinforcing their roles and effectiveness. After the visit, the GET heard that on 13 January 2017, the NABU and the NACP had signed a Memorandum of cooperation and exchange of information providing, among other things, the NABU with full access to the register of e-declarations once the required technical arrangements have been made. The GET welcomed this step; it is of prime importance that full and unhindered access is now swiftly ensured in practice. It is equally important for the NABU's work to have proper access to relevant national and regional databases necessary for further investigations, once criminal proceedings have been initiated on the basis of the information contained in the asset declarations. While article 17(3) of the Law on the NABU sets a legal basis for such access to relevant information, it would appear that the practice does not always follow. For example, the GET heard shortly after the visit that the Prosecutor General's Office (PGO) had blocked the access by NABU to the unified register of pre-trial investigations. It is for those reasons that GRECO issued recommendation iii.

This recommendation was partly implemented in the Compliance Report (para. 25-31). New legal provisions had been adopted to allow NABU's full access to state registries containing asset declarations, specific bank account operations etc. Further, the NACP Guidelines preventing NABU from starting pre-trial investigations in cases of false declarations and illicit enrichment had been abolished. However, the system was new at the time, and GRECO had wished to re-assess the situation in light of the implementation of new provisions in practice. In the Second Compliance Report (see para. 25-30), GRECO noted that several working meetings were conducted between the NACP and NABU to strengthen financial control over public officials. Following the legislative amendments enabling NABU's access to the Unified State Register of declarations, the Joint NACP and NABU Order No. 134/19/130 of 1 November 2020 approved the procedure for access of NABU to the Register. As regards ensuring NABU's access to national and regional databases and specific information about bank account operations, such possibility has been provided following amendments to several legal acts adopted in October 2019. However, the NABU draws attention to the fact that the recipient's account number is still not being shared with it by the National Bank. The authorities report that a unified register of bank accounts of individuals and legal entities which, in their view, would increase overall transparency of the financial system and facilitate financial investigations for identifying assets obtained through criminal offences, has still not been established. To sum up, the authorities take the view that at present NABU has effective access to all databases at national and regional levels, necessary for the proper verification of declarations. GRECO concluded that it would appear that practical impediments to cooperation between the NACP and NABU regarding checks of asset declarations and follow up to be given in cases of violations have been removed, and that interaction between the two anti-corruption bodies has improved. GRECO also noted that NABU has been provided with access to national and regional databases necessary for the proper scrutiny of asset declarations. However, some

difficulties remain in place, notably, regarding NABU's direct access to National Bank's database in respect of recipients' account numbers. Such access could be instrumental, for instance, to cross-check the accuracy of account information provided in declarations. It follows that the second part of this recommendation has not been fully addressed and the recommendation remains partly implemented. In the Interim Compliance Report (para. 22-28) GRECO noted regulatory amendments, namely the Board of the National Bank of Ukraine's Resolution No. 21 on Amendments to the Rules of Storage, Protection, Use and Disclosure of Bank secrecy which entered into force on 17 March 2023 and which enabled NABU's access to the recipients' account numbers for swifter cross-check and supervisory tasks. As such, GRECO concluded the recommendation being implemented satisfactorily.

Given the suspension of declarations' obligations by the Martial Law (see above) authorities reported the data on the number (absolute/Abs and per 100 judges/prosecutors) of proceedings for violations or discrepancies in declaration of assets against judges and prosecutors, respectively, was reported as not applicable for 2023. (Table below):

	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2021	**NA**	**NA**	NA	**NA**	NA	**NA**	**20**	**0,21**	18	**0,19**	**10**	**0,10**
2023	**NAP**	**NAP**	NAP	**NAP**	**NAP**	**NAP**	NAP	**NAP**	**NAP**	**NAP**	NAP	**NAP**

Conflict of interest for judges and for prosecutors

Procedures and mechanisms for managing potential conflict of interest

The legal framework concerning conflicts of interest of judges includes: 1. the Constitution; 2. the Law on Prevention of Corruption (LPC); 3. the Law on the Judicial System and Status of Judges (LJSJ); 4. the Criminal Procedure Code, the Civil Procedure Code, the Commercial Procedure Code, and the Code of Administrative Procedure (provide grounds for recusal).

The legal framework concerning conflicts of interest of prosecutors includes: 1. the Law on Prevention of Corruption (LPC); 2. the Law on the Prosecutor's Office (LPO); 3. the Criminal Procedure Code, the Civil Procedure Code, the Commercial Procedure Code, and the Code of Administrative Procedure (provide grounds for recusal); 4. the Code of Professional Ethics and Conduct of Prosecutors.

The general rules on the prevention and management of conflicts of interest contained in chapter V of the LPC. The LPC defines and regulates conflicts of interests for public officials, including judges and prosecutors. In particular, a conflict of interest is a (real/potential) contradiction between the private interest of a person and his/her official or representative activities which affects the objectivity or impartiality of his/her decisions and commitment or non-commitment of actions in the exercise of such activities. The following course of action is to be taken when a conflict of interest emerges/may emerge: (i) taking measures to prevent the occurrence of real or potential conflict of interest; (ii) reporting - no later than the next business day from the date when the person found out or should have found out about having a real or potential conflict of interest – to the immediate supervisor, and if the person holds the position that does not provide for having an immediate supervisor or the position in a collective body – to report to the NACP or other authority or a collective body determined by the law, where the conflict of interest occurred while exercising authority, respectively; (iii) refraining from taking actions/decisions when exposed to a situation of a real conflict of interest; and (iv) taking measures to address a real or potential conflict of interest. In particular, no later than the next business day after the date when a judge was aware or should have been aware of a real or potential conflict of interests, s/he must submit a report to the Council of Judges. Further details are regulated in a Decision by the Council of Judges of 9th February 2016 (No. 2) (the Evaluation Report, para. 156 to be read in conjunction with para. 74 and 75).Procedural codes prohibit a judge/prosecutor to consider a case and is subject to a recusal if s/he is directly or indirectly interested in the outcome of the case or there are other circumstances that cast doubt on the impartiality or objectivity of the judge/prosecutor. For example, a judge/prosecutor is not entitled to participate in criminal proceedings if he/she is an applicant, victim, civil plaintiff, civil defendant, family member or close relative of a party, applicant, victim, civil plaintiff or civil defendant; if the prosecutor participated in the same proceedings as an investigating judge, judge, defence counsel or representative, witness, expert, specialist, representative of the probation staff, interpreter; if he/she personally, his/her close relatives or family members are interested in the outcome of the criminal proceedings or there are other circumstances that raise reasonable doubts about his/her impartiality (Criminal Procedure Code, Article 77). The Civil Procedure Code stipulates that judges, prosecutors, investigators, employees of units conducting operational and investigative activities may not be representatives in court, except when they act on behalf of the relevant body, which is a party or a third party in the case, or as legal representatives (Article 61). The Commercial Procedure Code of Ukraine stipulates that judges, prosecutors, investigators, employees of units engaged in operational and investigative

activities may not be representatives in court, except when they act on behalf of the relevant authority, which is a party or a third party to the case, or as legal representatives (Article 59).

According to the Code of Professional Ethics and Conduct of Prosecutors, the prosecutor shall take all possible measures to prevent the emergence of a real or potential conflict of interest, notify his/her immediate supervisor no later than the next working day from the moment when he/she learned or should have learned about the existence of a real or potential conflict of interest. The prosecutor holding an administrative position may not directly or indirectly induce subordinates or other prosecutors to make decisions, take actions or omit to act in favour of their private interests or interests of third parties. In case of a conflict of interest, the prosecutor is obliged to act in accordance with the requirements of the law.

Possibility for judges and prosecutors to perform additional activities

Under Article 127 of the Constitution, judges may not belong to any political party or trade union, engage in any political activity, hold a representative mandate, occupy any other paid position, or perform other remunerated work except of a scientific, educational or creative nature, medical practice, instructing and refereeing in sports (Article 25, LPO) (the Evaluation Report, para. 159).

More detailed regulations on judges' incompatibilities are contained in the LJSJ (Article 54). Requirements regarding incompatibility prohibit judges: 1. to hold a position in any other body of state power, the body of local self-government, and a representative mandate; 2. to combine his/her activities with entrepreneurial activities, legal practice, hold any other paid positions, perform other paid work (except for teaching, research, or creative activities), or be a member of the governing body or a supervisory board in a company or organization that is aimed at making a profit. If judges are owners of shares or own other corporate rights or have other proprietary rights or other proprietary interests in the functioning of any legal entity aimed at making profit are obligated to transfer such shares (corporate rights) or other relevant rights into the management of an independent third party (without a right of giving instructions to such person regarding the disposition of such shares, corporate or other rights or regarding the exercise of rights which arise therefrom) for the term of judicial office. A judge may receive interest, dividends, and other unearned income from the property he/she owns.; 3. from being members of a political party or a trade union, demonstrate affiliation with them and participate in political campaigns, rallies, strikes. While in office, a judge may not be a candidate for elective positions in bodies of the state power (other than judicial) and bodies of local self-government, as well as participate in the election campaigning. 4. In case of appointment of as a member of the High Council of Justice, the High Qualification Commission of Judges of Ukraine, they shall be seconded to work with those bodies on a permanent basis. Judges who are members of those bodies retain guarantees of material, social, and household support envisaged by law for judges. 5. A judge, upon their application, may be seconded for work at the National School of Judges of Ukraine, and a judge elected as Chairperson or Deputy Chairperson of the Council of Judges of Ukraine – at the Council of Judges of Ukraine, with the preservation of the amount of judicial remuneration at the main job and of any bonuses envisaged by law. 6. A judge shall comply with the requirements regarding incompatibility stipulated by anti-corruption legislation. Secondment for work at the High Council of Justice, the High Qualification Commission of Judges of Ukraine, the National School of Judges of Ukraine, and Council of Judges of Ukraine shall not be regarded as a compatibility of jobs.

The general rules on incompatibilities contained in the Law on Prevention of Corruption (LPC) are to be taken into account, including the restrictions on other part-time activities and on joint work with close persons (Article 25 *et seqq*.) (the Evaluation Report, para. 162 to be read in conjunction with para. 82).

Judges are obliged to report the allowed activities they are engaged in and related income to the NACP in their annual e-declarations and income tax declarations (the Evaluation Report, para. 163). No authorisation to perform accessory activities is necessary. By law, the only place where a judge needs to state if there are any auxiliary activities, is in his/her declaration. In practice, however, judges do inform their hierarchy about it because of different reasons, some of them are if a judge needs time off (to, for example, write a book, they ask for sabbatical) and common respect for their hierarchy.

The conditions for disqualification of a judge are specified in the procedural laws (Article 75 *et seqq.* of the Criminal Procedure Code, Articles 20 and 32 of the Civil Procedure Code, Article 20 of the Commercial Procedure Code, Articles 27 and 29-32 of the Code of Administrative Procedure). A judge cannot participate in the trial if s/he was previously involved in the case, if s/he is directly or indirectly interested in the outcome of the case, if s/he is a family member or close relative (i.e. husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, grandson, granddaughter, adopter or adopted, guardian or trustee, a family member or a close relative of the person) of the party or other persons involved in the case, if there are other circumstances that raise doubts about the judge's objectivity and impartiality, and if the procedure for allocating the case to a judge has been violated. In the presence of such reasons, the judge must withdraw from the case. Parties to the case or the prosecutor involved in the trial may also challenge the judge's participation (the Evaluation Report, para. 165).

GRECO recommendation xviii. GRECO recommended ensuring that in all court proceedings any decisions on disqualification of a judge are taken without his/her participation and can be appealed.

In the Evaluation Report (see para. 166 and 167), the GET noted with concern that under the different procedural laws, the judge whose participation has been challenged is – in certain situations – involved in the consideration of the motion; the only exception being administrative law proceedings, where the challenged judge is clearly always excluded. For instance, when in criminal proceedings one or several judges of a panel are challenged, the motion is considered by the panel and the decision is taken by simple majority. In other words, in such cases a judge who is challenged participates in the consideration of the motion and may have a decisive vote. A judge who might have a conflict of interest would thus be the judge of his/her own case, which is highly unsatisfactory. The situation is similar – or even more disturbing – when it comes to civil and commercial law proceedings: a motion to disqualify a judge is, as a rule, decided "by the same composition of the court" which is to try the case itself. During the interviews conducted on site it was explained to the GET that in practice therefore even single judges decide on motions for their own disqualification in such proceedings. The GET clearly shared the view expressed by the practitioners interviewed that challenged judges should always be excluded from the decision regarding their disqualification or removal from particular proceedings in order to ensure objectivity and impartiality in the decision-making process. For the same reasons, possibilities to appeal decisions on disqualification motions

need to be introduced. Currently, they can be appealed only together with the judgment on the merits of the case. Consequently, GRECO issued recommendation xviii.

In the compliance procedure, the authorities reported on the Law on Amendments to the Commercial Procedural Code of Ukraine, the Civil Procedural Code of Ukraine, the Code of Administrative Legal Proceedings of Ukraine and other legislative acts (n° 2147-VIII), adopted on 3rd October 2017 and enacted on 15th December 2017 which introduced a new approach to the procedure for the recusal of a judge (part three of Article 39 of the Commercial Procedural Code of Ukraine, part three of Article 40 of the Civil Procedural Code of Ukraine, part four of Article 40 the Code of Administrative Proceedings of Ukraine). In particular, if the court comes to the conclusion that the alleged recusal is unjustified, it shall suspend the proceedings. In this situation, a judge who is not part of the court hearing the case, and who is selected by the Single Judicial Information and Telecommunication System (randomly, considering specialisation, workload, chronological order etc.), will decide on disqualification. GRECO noted that the amended procedure for recusal of a judge provides that the court trying the case decides on recusal of a judge. When this is impossible, the closest court of the same instance decides on the matter. In courts with less than three judges, the judge dealing with the case decides on recusal. This is not different from the situation described at the time of the Evaluation Report, as the judge whose recusal is decided, participates in the decision on his/her own recusal. However, the new procedure provides that when the court decides that the recusal is not grounded, the decision on recusal is then to be taken by a judge from another court, selected randomly. This additional guarantee goes in the sense of the present recommendation. However, nothing has been said specifically as to appeal channels for recusal decisions. GRECO thus concluded this recommendation to be partly implemented (see para. 101-103, the Compliance Report). No new developments were reported by the authorities for the purpose of adoption of the Second Compliance Report (see para. 96-100) and GRECO reiterated that the possibility for the judge, whose recusal has been requested, to participate in the examination of the recusal request remains a source of concern. In addition, the authorities did not provide information as to whether an appeal of the decision on recusal per se is possible. As such, GRECO concluded that the recommendation remains partly implemented. In the Interim Compliance Report (see para. 94-99), GRECO noted lack of any progress and concluded recommendation remains partly implemented.

The general rules on gifts contained in Articles 23 *et seqq*. LPC are applicable to judges. In particular, they are prohibited from demanding, asking for, receiving gifts, directly or through other persons, for themselves or close persons from legal entities or individuals in connection with their activity as a judge or from subordinate persons. Otherwise, they may accept gifts which correspond to generally accepted notions of hospitality, if their value does not exceed approximately 52€ and the aggregate value of individual gifts received from the same person, or group of persons, within a year does not exceed approximately 97€. If a judge is offered an unlawful gift or benefit, s/he must reject it, try to identify the person who made the offer, involve witnesses, if possible, and notify in writing the court chair and the NACP about the proposal. In cases of doubt, advice can be sought from the NACP (the Evaluation Report, para. 168 and 169).

GRECO recommendation iv. GRECO recommended (i) further developing the rules applicable to the acceptance of gifts by judges and prosecutors, in particular, by lowering the threshold of acceptable gifts; providing for more precise definitions to ensure that they cover any

benefits including those in kind; clarifying the concept of hospitalities which may be accepted; (ii) establishing internal procedures for the valuation and reporting of gifts, and return of those that are unacceptable.

In the Evaluation Report (see para. 45-47), GRECO noted gifts rules contained in the LPC as grey area. In this connection, the LPC establishes a general ban on gifts, with two exceptions: gifts which meet "generally accepted notions" of hospitality and gifts below a certain threshold. The maximum threshold of "acceptable gifts", other than hospitality, applies as follows: (i) individual gifts must not exceed one minimum monthly salary, as determined on the day such gift was accepted (52€); and (ii) the aggregate value of individual gifts received from the same person, or group of persons, within a year must not be more than twice the rate of the cost of living (97€), as determined for an able-bodied person as of 1st January of the year in which the respective gifts were accepted (Article 23, LPC). The notion of gift is broad and encompasses cash or other property, advantages, privileges, services, intangibles, given/received free of charge or at a price below the minimum market price (Article 1, definitions of LPC). The LPC also establishes a procedure for reporting unlawful gifts (Article 24, LPC), which consists of the following steps: rejecting the proposal, identifying the offer or and involving witnesses whenever possible, and finally, notifying in writing the immediate superior, within one business day of the irregularity taking place. The GET could not gather satisfactory explanations as to how this reporting process is being channelled for any of the professions under the scope of the Fourth Evaluation Round, or whether such a process has ever been set in motion. The GET acknowledged the steps taken by the authorities to further regulate gifts, limit their acceptance and increase transparency of the system. None of the interlocutors met (from either governmental or non-governmental sectors) raised any particular concern as to the issue of gifts. That said, the GET had specific misgivings about the current system. Firstly, the maximum permissible thresholds per individual gift, as well as the aggregated value of gifts per year, are tied to salary/cost of living scales which in the GET's view, may raise doubts as to the actual appropriateness of the gifts received. It may also convey a wrong signal to the general public as to the level of tolerance within the categories of professionals covered in this report concerning gifts. While the thresholds may not seem high today, they are prone to increase in the future as they are tied to salary levels. Secondly, it is unclear what really constitutes hospitality in practice; the law is quite vague in this respect as it refers to "generally accepted notions". Thirdly, there is no valuation system for in-kind benefits. Fourthly, reporting mechanisms still need to be developed in practice. Consequently, GRECO issued recommendation iv.

The Compliance Report (see para. 32-37) contained some information on the progress made, namely that the thresholds for permissible individual gifts and their permissible aggregated annual value remained too high and was still tied to the cost of living. While some clarifications on the acceptance of gifts were developed, rules on in-kind benefits and the concept of hospitality were still not clarified. Further, it was noted that a requirement to report gifts applicable across the public service was in place, but its practical implementation in respect of judges was lacking. In the Second Compliance Report (see para. 31-36), GRECO noted new developments only with regard to the first part of the recommendation, namely that the authorities maintain that the cost of living (subsistence minimum) is a measurable and flexible economic indicator and that it is thus justified to use it in determining maximum thresholds of acceptable gifts. They also state that the NACP's recent practice did not reveal the link between gifts allowed and the subsistence minimum as problematic. Further, as to the concept of generally accepted ideas of hospitality, the authorities refer to the definition of a gift contained in Article 1 of the LPC, which, inter alia, includes "an advantage provided/received free of charge, or at a price lesser than the minimum market price", reiterated in the methodological recommendations developed by the NACP. Following

the fact that maintaining the subsistence minimum as an indicator for determining maximum value of acceptable gifts was considered insufficient in the Evaluation Report and remains as such and that no new and more precise definition has been introduced to clarify the concept of « hospitalities which may be accepted » in a coherent manner, as well as following the fact that no measures have been taken to establish internal procedures for the valuation and reporting of gifts applicable to judges, similar to those already in place in respect of prosecutors, GRECO concluded recommendation remains partly implemented. In the Interim Compliance Report (para. 29-34), the Ukrainian authorities report on legislative amendments that ware underway to further regulate the receipt of gifts (including, inter alia, the clarification of the concept of hospitality). The issue is a specific output of the Anti-Corruption Strategy and its implementation programme (SAP). The National Agency undertook consultations with international and internal stakeholders, a public hearing was held, and a draft has been submitted to the Cabinet of Ministers and awaits adoption. However, no progress is reported regarding internal procedures for valuation and reporting of gifts applicable to judges. GRECO welcomes the drafting of legislative amendments to better regulate gifts and their receipt in order to prevent conflicts of interest. However, as no progress has been made with regard to the second part of the recommendation, it concluded recommendation remains partly implemented.

As per Article 18, LPO, a prosecutor may not hold office and at the same time hold a position in any public authority, other state body, local self-government body and or hold a representative mandate in state elected positions. The incompatibility requirements do not apply to the participation of prosecutors in the activities of elected bodies of religious and public organizations. Provisions of the LPC on restriction regarding performing several activities also apply to prosecutors. LPC (Article 25) stipulates that persons authorized to perform functions of the state and local self-government bodies are prohibited to: 1. engage in other paid (except for teaching, scientific and creative activity, medical practice, instructing and judging practice in sports) or entrepreneurial activity, unless otherwise provided by the Constitution or laws of Ukraine; 2. be a member of the board, other executive or supervisory bodies, supervisory board of an enterprise or organization aimed at making profit (except for cases when persons perform functions of managing shares (stakes, shares) owned by the state or territorial community and represent the interests of the state or territorial community in the board (supervisory board), audit commission of an economic organization), unless otherwise provided by the Constitution or laws of Ukraine, except for the case provided for in the first paragraph of part two of this Article.

Prosecutors do not need authorisation to perform accessory activities, nor are they obliged to inform his/her hierarchy about these accessory activities. However, his/her accessory activities will be agreed with the employer in accordance with the Labour Code requirements if such activities are carried out during working hours.

The general rules on gifts contained in Articles 23 *et seqq*. LPC which are applicable to judges are applicable also to prosecutors. In particular, they are prohibited from demanding, asking for, receiving gifts, directly through other persons, for themselves or close persons from legal entities or individuals in connection with their activity as a prosecutor or from subordinate persons. GRECO's concerns with regard to gifts regime expressed above regarding judges are applicable also to prosecutors (the Evaluation Report, para. 246 and 247).

Breaches of rules on conflict of interest

Proceedings for breaches of rules on conflicts of interest in respect of **judges** are regulated in the LJSJ (disciplinary proceedings, Articles 106 and 133), the LPC (disciplinary proceedings – Article 28), the Criminal Procedure Code, the Administrative Offences Code (Article 172-7) (the Evaluation Report, para. 152, 156, 181). LJSJ regulates the procedure to sanction breaches of the rules of on conflicts of interest in respect of judges.

Legal framework concerning conflicts of interest of **prosecutors** includes: 1. the Constitution; 2. the Law on Prevention of Corruption (LPC); 3. the Law on Prosecutor's Office (LPO); 4. the Criminal Procedure Code; 5. the Administrative Offences Code (Article 172-7).

Pursuant to Article 18 LPO, a prosecutor may not hold offices at any State authority, other State body, local government authority or having a representative mandate in public elective positions. Prosecutors have the right to be seconded to the Qualifications and Disciplinary Commission (QDC), the National Academy of Prosecutors or other institutions as prescribed by law. Prosecutors may not be members of a political party or take part in political actions, rallies or strikes. In addition, the general rules on incompatibilities as contained in the LPC are to be taken into account, including the restrictions on other part-time activities (such as paid activities other than teaching, research and creative activity, medical practice, being a sports instructor or judge/referee) and on joint work with close persons (Article 25 *et seqq.,* LPC) (the Evaluation Report, para. 240 and 241).

Prosecutors are obliged to report the allowed activities they are engaged in and related income to the NACP in their annual declarations and income tax declarations (the Evaluation Report, para. 242). Some auxiliary activities require authorisation, issued by the employer, according to the Labour Code.

Article 77 Criminal Procedure Code (CPC) provides the reasons for disqualification of the prosecutor. In particular, a prosecutor has no right to participate in a criminal proceeding if s/he is an applicant, victim, civil plaintiff, civil defendant, a family member or close relative of a party, applicant, victim, civil plaintiff or civil defendant; if s/he participated in the same proceeding as investigating judge, judge, defence counsel or representative, witness, expert, specialist, interpreter; if s/he him/herself, his/her close relatives or family members have an interest in the outcome of criminal proceedings or there are other circumstances that cause reasonable doubts as to his/her impartiality (the Evaluation Report, para. 244).

In the Evaluation Report (see para. 245), GRECO noted that in such situations, prosecutors are required to recuse themselves, and they may be challenged by individuals who participate in criminal proceedings. Challenges filed during pre-trial investigation are considered by the investigating judge or, if filed during court proceedings, the court trying the case. The CPC does not provide the possibility to appeal the decision concerning disqualification of a prosecutor during criminal proceedings. The GET found this situation – especially as a prosecutor's decision not to recuse him/herself cannot be appealed – unsatisfactory. In the situation of Ukraine where citizens' trust in State institutions including the judiciary and the prosecution service is particularly low, it is all the more important to provide for effective control mechanisms to prevent conflicts of interest and ensure objectivity and impartiality in criminal proceedings. For the same reasons, it is imperative that prosecutors are regularly made aware of their duty to recuse themselves from a case wherever there may be reasonable doubts as to their impartiality. After the discussions held on

site, the GET had the impression that practitioners quite rarely recuse themselves and that awareness about risks of bias needs to be strengthened. Consequently, GRECO recommended (i) encouraging prosecutors in suitable ways to recuse themselves from a case whenever a potential bias appears; (ii) ensuring that any decisions on disqualification of a prosecutor can be appealed (recommendation xxviii).

In the Compliance Report (see para. 161-166), GRECO noted some measures taken to improve prosecutors' awareness on the requirements of disqualification/self-recusal. However, it noted that the legal basis for appeal of recusal decisions remained unchanged and that no relevant information was provided with respect to the second part of the recommendation. GRECO concluded this recommendation to be partly implemented.

Proceedings for breaches of rules on conflicts of interest in respect of prosecutors are regulated in the LPO (disciplinary liability, Article 43), the LPC (disciplinary proceedings – Article 43), the Criminal Procedure Code, the Administrative Offences Code (administrative liability, Article 172-7) (the Evaluation Report, para. 235, 249, 264). LPO regulates the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors. In the Second Compliance Report (see para. 137-142), GRECO noted new information from the authorities, namely that on 30 September 2021, the Prosecutor General approved the Order No 309 "On the organisation of the activities of prosecutors in criminal proceedings". Paragraph 21.1 of this Order stipulates that a prosecutor is obliged to recuse him/herself in the presence of a conflict of interest, or other circumstances, which may raise doubts as to his/her procedural independence. Reference is made once to legal provisions prohibiting participation of prosecutors in criminal cases, and dismissing the prosecutor, already in force at the time of the adoption of the Evaluation Report. The authorities share concerns relating to the possibility for the head of prosecutor's office to change the prosecutor in charge of a concrete case on the grounds of "ineffective supervision", provided under Article 37 of the CPC. According to the authorities, this provision is at times abused, especially in high-profile cases, through changing the composition of the group of prosecutors in charge of the case, or transfer the case to another prosecutor, which is also not subject to appeal. GRECO noted with satisfaction the adoption of a new normative act setting out mandatory self-recusal of prosecutors in cases of conflicts of interest or other circumstances which may raise doubts to their procedural independence. That said, it remains unclear whether any legal provisions have been put in place to allow appealing against recusal decisions. The provisions of the CPC and LPC cited by the authorities were in force at the time of the adoption of the Evaluation Report and do not relate to prosecutors' recusal from specific cases. GRECO therefore concluded that the recommendation remains partly implemented. No progress was noted by GRECO in the Interim Compliance Report (para. 144-148) and the recommendation remained partly implemented.

Judges and prosecutors may combine their work with the following other functions/activities:

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	√	√	√	√
	Research and publication	√	√	√	√
	Arbitrator				
	Consultant				
	Cultural function	√		√	
	Political function				
	Mediator				
	Other function	√		√	√

The data on the number (absolute and per 100 judges/prosecutors) of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2023 was the following:

	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2021	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
2023	5	0,10	2	0,04	2	0,04	4	0,04	1	0,01	1	0,01

Discipline against judges and prosecutors

Description of the disciplinary procedure against judges

Disciplinary liability of judges is regulated in the LJSJ.

According to article 107, LJSJ, any person shall have the right to submit a complaint on the disciplinary offense of a judge (disciplinary complaint). Citizens shall exercise this right in person or via a lawyer, legal entities via a lawyer and state bodies and local self-government bodies via their Chairpersons or representatives. A lawyer shall be obligated to verify the facts which may result in disciplinary liability of a judge before submitting a relevant disciplinary complaint.

According to the amendments to the LHCJ made in 2021, as of 5th August 2021 disciplinary proceedings are conducted by the disciplinary inspector of the HCJ, within the procedure established by the LHCJ. The disciplinary inspector is determined by the automated case distribution system for a preliminary check of a relevant disciplinary complaint. On 9 August 2023 Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 3304-IX "On making amendments to certain laws of Ukraine regarding an immediate renewal of consideration of cases regarding disciplinary liability of judges" (the Law entered into force on 17 September 2023, and was put into action on 19 October 2023). The law amended Chapter III "Final and transitional provisions" of the Law of Ukraine "On the High Council of Justice" by adding item 23-7, which determines that, temporarily, before the start of work of disciplinary inspectors of HCJ, the powers of a disciplinary inspector shall be performed by a member of Disciplinary chamber (rapporteur), defined by the automated case distribution system.

The disciplinary chamber reviews cases on disciplinary responsibility of judges. For this purpose, HCJ sets up disciplinary chambers consisting of members of HCJ. Three disciplinary chambers were set up in HCJ by the decision of HCJ dated 2nd February 2017.

Disciplinary proceedings may be initiated on the basis of a written complaint by any person or on the initiative of the disciplinary chambers of the HCJ or of the HQCJU in cases specified by law. They include: 1. a preliminary review of materials by the disciplinary inspector (rapporteur); 2. the decision-making on bringing a judge to disciplinary liability /refusal of bringing a judge to disciplinary liability; 3. submitting the complaint to the disciplinary chamber to adopt a decision on opening a disciplinary proceeding; 4. preparing materials with proposal on opening or refusing in opening a disciplinary case. Complaints may be dismissed by the disciplinary inspector (rapporteur) for specified formal grounds or by the disciplinary chamber. As a rule, chamber hearings are open to the public. Decisions are adopted by simple majority of votes. Decisions on dismissal of a judge are taken by in a full complement session of the HCJ, following a recommendation by the disciplinary chamber (the Evaluation Report, para. 186).

Disciplinary penalties include admonishment; reprimand – with deprivation of the right to receive bonuses to the salary of a judge for one month; strict reprimand – with deprivation of the right to receive bonuses for three months; proposal on temporary (one to six months) suspension from the administration of justice – with deprivation of the right to receive bonuses, and mandatory training and subsequent qualification evaluation for

confirmation of the judge's ability to administer justice in the relevant court; proposal on transfer of the judge to a lower-level court; and proposal on dismissal of the judge (Article 109, LJSJ) (the Evaluation Report, para. 184).

When selecting the type of disciplinary sanction against a judge, the nature of the disciplinary offence, its implications, personality of the judge, the extent of his/her guilt, availability of other disciplinary sanctions, other circumstances which influence the possibility of disciplining a judge, as well as the principle of proportionality are to be taken into account. A proposal to dismiss a judge can be made if the judge violated the duty to prove the legality of the sources of his/her assets, or if s/he committed a substantial disciplinary offence, gross or systematic neglect of duties which is incompatible with the status of judge or which has revealed his/her incompatibility with the office (the Evaluation Report, para. 185).

The HCJ is responsible for the transfer of judges from one court to another (Articles 53 and 82, LJSJ). As a rule, judges are irremovable and may not be transferred to another court without their consent, except a transfer following reorganisation, liquidation or termination of the court or as a disciplinary measure. Apart from those exceptions, judges may be transferred to another court only on the recommendation of the HQCJU on the grounds of the results of a competition for vacant judge positions (Articles 53, 82, LJSJ) (the Evaluation Report, para. 144).

Description of the disciplinary procedure against prosecutors

LPO regulates disciplinary proceedings against prosecutors.

According to law, everyone who is aware of such facts has the right to apply to the Qualification and Disciplinary Commission of Prosecutors (QDC) with a disciplinary complaint about the prosecutor's commission of a disciplinary offence. The QDC shall publish on its website a recommended sample of a disciplinary complaint (para. 2 art. 45 of the LPO).

On 25th September 2019, with the entry into force of Law № 113-IX, the provisions of the Law of Ukraine "On the Prosecutor's Office", which determined the legal status of the QDC, were suspended and the powers of the chairman and members of this commission were terminated.

For the relevant transitional period, the authority to conduct disciplinary proceedings against prosecutors, including during 2020, to comply with the requirements of subparagraphs 7, 8 of paragraph 22 of Section II of Law № 113-IX, was transferred to the Personnel Commission to consider disciplinary complaints about the prosecutor's disciplinary misconduct and the conduct of disciplinary proceedings against prosecutors (hereinafter the Personnel Commission), which was established by the order of the Prosecutor General of 9th January 2020, № 9.

In the disciplinary proceedings, the Personnel Commission must take into account the nature of the offence, its consequences, the personality of the prosecutor, the degree of guilt, and the circumstances affecting the choice of the type of the disciplinary action. Information on disciplining a prosecutor is published on the website (the Evaluation Report, para. 258).

QDCs have become operational on 3rd November 2021 (GRECO Second Compliance Report, para. 118).

Under article 43 LPO, the following give rise to disciplinary liability: failure to perform, or the improper performance by the prosecutor of official duties; unreasonable delay in consideration of an application; disclosure of secrets protected by law; violation of the legal procedures for the submission of asset declarations (including the submission of incorrect or incomplete information); actions which discredit the prosecutor and may raise doubts on his/her objectivity, impartiality and independence and on integrity and incorruptibility of prosecution offices; a regular or one-off gross violation of prosecutorial ethics; violation of internal service regulations; intervention or other influence in cases in a manner other than that established by the law (the Evaluation Report, para. 256).

Disciplinary sanctions include: reprimand; ban for up to one year on a transfer to a higher prosecution office or on appointment to a higher position (except for the Prosecutor General); dismissal from office (the Evaluation Report, para. 258).

GRECO recommendation xxix. GRECO recommended (i) defining disciplinary offences relating to prosecutors' conduct and compliance with ethical norms more precisely; (ii) extending the range of disciplinary sanctions available to ensure better proportionality and effectiveness.

In the Evaluation Report (para. 259, 260), the GET welcomed the recent amendments to the rules on prosecutors' disciplinary liability but saw some room for further improvements. First, it was concerned that, as is the case with respect to judges, the catalogue of specific disciplinary offences still includes some quite vague concepts such as "actions which discredit the prosecutor (…)" and regular or one-off "gross violation of prosecutorial ethics". Such terms appear insufficient to ensure effective enforcement of the rules, to provide for legal certainty and to prevent possible misuse of disciplinary proceedings. The authorities indicate that the term "prosecutorial ethics" is to be understood by reference to the code of ethics. In this connection, the GET wished to stress that such a general reference has been repeatedly criticised by GRECO as too vague. It is crucial that specific disciplinary offences are defined precisely and comprehensively directly in the law. The GET was also concerned to hear from practitioners that "breach of oath" might result in criminal or disciplinary liability, based on article 19 LPO, although that provision merely states that breach of oath leads to liability "as established by law". In order to remove any ambiguities in the law and to ensure that no sanctions are issued on the basis of the vague concept of breach of oath, the reference in the LPO to that concept should be deleted. Second, the GET noted that the range of disciplinary sanctions is quite limited. What is more, only the lightest and harshest sanctions available, reprimand and dismissal, appear to be relevant in practice. The only intermediate sanction available, the ban on transfer to a higher prosecution office or on appointment to a higher position, is only very rarely applied. GRECO has repeatedly stressed the importance of a sufficiently broad range of sanctions, in order to ensure proportionality and effectiveness. In the view of the GET, such sanctions may include, for example, reprimands of different degrees, temporary salary reduction, temporary suspension from office, etc. In view of the above, GRECO issued recommendation xxix.

This recommendation has not been implemented in the compliance procedure (the Compliance Report, para. 167-171). In the Second Compliance Report (see para 143-147), GRECO noted that the situation remains the same as it was at the time of the adoption of the Compliance Report and concludes that recommendation remains not implemented. The situation remains the same also in the Interim Compliance Report (see para. 149-155) since the Ukrainian authorities only reported draft amendments to LPO, which provide for a range of disciplinary offences and sanctions relating to prosecutors' conduct and compliance with ethical norms. The draft provides for a definition of such terms as «committing actions that

discredit the rank of a prosecutor (...)» and «gross violation of the rules of prosecutorial ethics». It excludes the provisions on responsibility for violating the oath of the prosecutor. Further, the draft expands the list of disciplinary sanctions. However, since the draft is still at the early stages as it has not yet been submitted to the Verkhovna Rada for its consideration, GRECO concluded recommendations remains not implemented.

GRECO recommendation xxx. GRECO recommended enhancing the efficiency of disciplinary proceedings by extending the limitation period, ensuring that proceedings can be launched also by the relevant self-governing bodies (which are not entrusted with decision-making in disciplinary proceedings) and heads of prosecution offices, and providing that appeals against disciplinary decisions can ultimately (after a possible internal procedure within the prosecution service) only be made to a court, both on substantive and procedural grounds.

A prosecutor has a choice to challenge a disciplinary decision either before the administrative court or the HCJ - an appeal against disciplinary decisions to the HCJ is provided for by the Constitution (the Evaluation Report, para. 263; the Compliance Report, para. 174).

The GET furthermore identified several shortcomings in the relevant procedural rules. Namely, disciplinary liability of prosecutors terminates if one year has passed from the date of committing disciplinary misconduct, regardless of the time of the prosecutor's temporary disability or vacation. Such a short limitation period is a great source of concern: not all cases can be disclosed in such a timely manner, and attempts could be made to delay the commencement of proceedings until the limitation period has expired. Thus, appropriate amendments to the statute of limitations – in particular, an adequate extension of the limitation period – would constitute a further deterrent to misconduct which could be potentially linked to corruption. Moreover, the GET had misgivings about the fact that disciplinary proceedings against prosecutors can be launched only on the basis of citizens' complaints which must not be anonymous and must fulfil certain criteria such as the indication of specific facts underlying allegations of misconduct. The GET understood that some kind of filter may be necessary to prevent the QDC from being overloaded with unsubstantiated charges. At the same time, the complaints mechanism must not hamper the start of disciplinary proceedings for purely formal reasons. In the view of the GET, this could be prevented by giving the relevant prosecutorial self-governing bodies (which are not entrusted with decision-making in disciplinary proceedings) and heads of prosecution offices the right to start a disciplinary case, e.g. on the basis of anonymous complaints received or any other sources of information. This is currently not clearly provided for in the law. The authorities see no need for such regulation as the General Inspectorate can conduct internal investigations based on anonymous complaints received through helplines set up at the General Inspectorate and at prosecution offices of all levels. However, the GET was convinced that giving the above bodies/persons the right to act ex officio would be a further asset for effectively fighting corruption within the prosecution service. The GET also noted that a prosecutor has the choice to challenge a disciplinary decision either before the administrative court or the HCJ. Such a choice seems unnecessary and unfortunate, since it may lead to inconsistent decision-making. Moreover, in light of the creation of new prosecutorial self-governing bodies, the link to the HCJ does not appear justified any longer. By contrast, according to Council of Europe reference texts "an appeal to a court against disciplinary sanctions should be available." Given the preceding paragraphs, GRECO issued recommendation xxx.

This recommendation has not been implemented in the compliance procedure (the Compliance Report, para. 172-176). No progress has been noted by GRECO in the Second Compliance Report (see para. 148-152) nor the Interim Compliance Report (para.156-160).

The following data on disciplinary proceedings in respect of judges and prosecutors was provided:

2023		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	NA	NA	NA	NA
	1. Breach of professional ethics (including breach of integrity)	4	0,08	89	0,97
	2. Professional inadequacy	8	0,17	59	0,64
	3. Corruption	0	0,00	NA	NA
	4. Other criminal offence	NA	NA	NA	NA
	5. Other	NA	NA	24	0,26
Number of cases completed	Total number (1 to 5)	NA	NA	NA	NA
	1. Breach of professional ethics	1	0,02	97	1,05
	2. Professional inadequacy	19	0,39	114	1,24
	3. Corruption	0	0,00	NA	NA
	4. Other criminal offence	NA	NA	NA	NA
	5. Other	NA	NA	39	0,42
Number of sanctions pronounced	Total number (total 1 to 10)	6	0,12	NA	NA
	1. Reprimand	0	0,00	70	0,76
	2. Suspension	NAP	NAP	NA	NA
	3. Withdrawal from cases	0	0,00	NA	NA
	4. Fine	NAP	NAP	NA	NA
	5. Temporary reduction of salary	0	0,00	NA	NA
	6. Position downgrade	0	0,00	NA	NA
	7. Transfer to another geographical (court) location	0	0,00	NA	NA
	8. Resignation	NAP	NAP	NA	NA
	9. Other	5	0,10	NA	NA
	10. Dismissal	1	0,02	34	0,37

Council for the Judiciary/ Prosecutorial Council

High Council of Justice

The Constitution and the Law on the High Council of Justice regulate competence, organisation and activity of the High Council of Justice (hereinafter: HCJ).

According to the Constitution (Article 131), the HCJ has a prominent role in the appointment and dismissal of judges, supervision of incompatibility requirements on judges and prosecutors, all disciplinary proceedings against judges, considering complaints against decisions taken by competent bodies on bringing judges and prosecutors to disciplinary liability, giving consent to the detention or taking into custody of a judge, taking measures to ensure the independence of judges, deciding on the transfer of judges from one court to another, etc. (the Evaluation Report, para. 123).

The HCJ has 21 members who serve a four-year term full-time (except for the chair of the Supreme Court, who is an ex-officio member) and cannot hold two consecutive terms. Ten members are elected by the Congress of Judges from among judges or retired judges, two are appointed by the President of Ukraine, and two each are elected by Parliament, by the Congress of Advocates, by the All-Ukrainian Conference of Prosecution Employees (AUCEP) and by the Congress of Representatives of Higher Legal Educational and Scientific Institutions. The chair of the Supreme Court is a member *ex officio*.

HCJ members must be Ukrainian citizens, at least 35 years old, have command of state language, belong to the legal profession and have at least 15 years of experience in the area of law, and meet the criterion of political neutrality, they cannot belong to political parties, trade unions, engage in any political activity, hold a representative mandate, occupy any other paid positions – with a few exceptions. The chair of the HCJ and his/her deputy are elected by secret ballot from among its members for a two-year term.

The competitive procedures for the selection of candidates for vacant positions of members of HCJ, conducted by the Ethics Council in accordance with the provisions of the Law of Ukraine of 14.07.2021 No. 1635-IX "On Amendments to Certain Legislative Acts of Ukraine on the Procedure for Election (Appointment) to the Positions of Members of the High Council of Justice and Activities of Disciplinary Inspectors of the High Council of Justice", are nearing completion. During its work, the Ethics Council evaluated 140 candidates and 4 current members of HCJ. As of 09.11.2023, the Ethics Council adopted 138 decisions, including: 8 decisions in 2021; 83 decisions in 2022; 57 decisions in 2023. Since January 12, 2023, the authorized composition of HCJ has been restored. Thus, on the recommendation of the Ethics Council, 16 vacant positions of members of HCJ were filled, including: 3 current members of HCJ who have been assessed for compliance with the criteria of professional ethics and integrity (2 - under the quota of the Congress of Judges of Ukraine, 1 - under the quota of the President of Ukraine (in September 2023, the powers of this member of the High Council of Justice expired), 2 - from the Verkhovna Rada of Ukraine, 2 - from the Congress of Representatives of Law Schools and Scientific Institutions, 8 - from the Congress of Judges of Ukraine, 2 - from the All-Ukrainian Conference of Prosecutors. The President of the

Supreme Court became an ex officio member of the High Council of Justice. Thus, 4 positions of members of HCJ remain vacant today (2 - from the President of Ukraine, 2 - from the Congress of Advocates of Ukraine).

Regarding the procedure for appointment of HCJ's members, bodies convening the respective congress or conference which elect members of the HCJ notify the HCJ's secretariat of the date and place of their decision-making, not later than 45 days in advance. The next day the HCJ's secretariat publishes on its official website an announcement inviting candidates to submit their applications. The candidates have to submit their written request for election/appointment, a CV, a motivation letter, a copy of a document of identity, information on employment activity from the State Register of Compulsory State Social Insurance, a copy of a career progress record, a declaration statement of a person authorised to perform government or local self-government functions for the year preceding the year when the vacancy was announced, a declaration of family relations, a declaration of integrity of a judge, a copy of a certificate of higher education in law, a medical certificate, a written consent for processing of personal data, a written statement on absence of restrictions on the membership in the HCJ, a request for undertaking a check in accordance with the Law "on government vetting" etc. The written request form for election/appointment as a member of HCJ is subject to approval by HCJ and published on its website, together with other documents on the candidates. The HCJ's secretariat initiates a special check of candidates in accordance with the Law "On the Prevention of Corruption". The findings of the special check are sent to the respective congress/conference with an opinion whether the candidate's application meets the requirements set for the position of the HCJ's member. The candidates' documents are sent also to the Ethics Council to establish the candidate's compliance with the criteria of professional ethics and integrity. The Ethics Council then provides the respective congress/conference with its opinion and a list of recommended candidates for the position of the HCJ. There should be twice as many candidates on the list as there are vacant positions for members of HCJ. The congress/conference elects its members by a secret ballot. All procedures for electing members of HCJ by respective congresses/conferences are regulated in respective laws.

The Ethics Council is comprised of 6 members (3 judges/retires judges; 1 nominated by the Council of Prosecutors; 1 nominated by the Bar council, 1 proposed by the National Academy of Legal Sciences of Ukraine represented by the Presidium) who are appointed by the chair of HCJ. They should have an impeccable goodwill, high professional and moral qualities, public authority, meets the criteria of professional ethics and integrity, have at least 5 years of experience in administering justice, in advocacy or prosecution activities, or scientific activity in the field of law. Meetings of the Ethics Council are open, information on the meetings and their agenda published in advance and their meetings are broadcasted live.

Accountability measures in place regarding activities of the HCJ include publication of its activity reports and publication of its decisions (also dissenting opinions in disciplinary proceedings) that are reasoned. Information on the activities of the High Council of Justice, including decisions taken, is published on its official website: https://hcj.gov.ua/. Operational arrangements in place to avoid an over-concentration of powers include adopting decisions by a majority of its members participating in a meeting, by open voting. Members of the HCJ who are not simultaneously members of its relevant body may not participate in meetings of such body and its decision-making.

Council of Judges

The Law “On the Judiciary and Status of Judges” governs the Council of Judges which is the highest body of judicial self-government acting as the executive body of the Congress of Judges. It has 32 members: 11 judges from local general court, 4 judges from local administrative courts, 4 judges from the courts of appeal for civil, criminal and administrative offences, 2 judges from administrative courts of appeal, 2 judges from commercial courts of appeal, one judge from each of the higher specialised courts and 4 judges from the Supreme Court. The Council of Judges is elected by the Congress of Judges.

The terms of office of the Council of Judges of Ukraine are not defined. The Congress of Judges of Ukraine which convenes at least once every two years has the right to raise the issue of re-election of members of the Council of Judges of Ukraine. The law does not set any restrictions on the number of terms of office in the Council of Judges of Ukraine.

No evaluation of candidates to the Council of Judges is conducted. Candidates are nominated directly at the Congress of Judges of Ukraine by the delegates of the Congress, subject to the restrictions established by law. Members of the Council of Judges of Ukraine exercise their powers on a voluntary basis, continuing to administer justice.

The Council of Judges develops and organises implementation of measures to ensure independence of courts and judges, to improve organisational support to courts, considers issues of legal protection of judges, exercises control over the organisation of courts’ activities etc.

Accountability measures in place regarding activities of the Council of Judges include publication of its activity reports, publication of its decisions that are reasoned as well as other information on functioning and the set-up of the Council of Judges. No information has been provided as regards operational arrangement in place to avoid over-concentration of powers.

Prosecutorial Council

According to the provisions of the Law on the Prosecutor’s Office (hereinafter: LPO), the Council of Prosecutors (CoP) is competent e.g. to make recommendations to the Prosecutor General on the appointment and dismissal of prosecutors from administrative positions (such as head or deputy head of a prosecution office), make recommendations to the Prosecutor General on the appointment of his/her candidates deputies, oversee measures to ensure the independence of prosecutors, receive reports made by prosecutors on threats to their independence due to an order or instruction issued by a higher prosecutor etc. (Article 71, LPO) (the Evaluation Report, para. 213).

CoP, as a body of prosecutorial self-government:

- makes recommendations on the appointment and dismissal of prosecutors from administrative positions in the cases provided for by this Law;
- organizes the implementation of measures to ensure the independence of prosecutors, improving the state of organizational support for the activities of prosecutors’ offices;

- considers issues of legal protection of prosecutors, social protection of prosecutors and their family members and makes appropriate decisions on these issues;
- considers appeals by prosecutors and other messages on threats to the independence of prosecutors, takes appropriate measures based on the consequences of the review;
- appeals to state authorities and local self-government bodies with proposals to for solving the issues of the prosecutor's office operation;
- supervises the implementation of decisions of prosecutorial self-government bodies;
- provides an explanation regarding compliance with the requirements of the legislation regarding the settlement of conflicts of interest in the activities of prosecutors, the head or members of the relevant body conducting disciplinary proceedings;
- exercises other powers provided for by this Law.

CoP is also empowered to provide recommendations for the appointment and dismissal of prosecutors from such administrative positions as First Deputy and Deputy Prosecutor general; the head of the regional prosecutor's office, his first deputy and deputy; head of the district prosecutor's office.

It consists of 13 members, including 11 prosecutors representing prosecution offices of different levels (2 from the Prosecutor General's Office, 4 from regional prosecutor's offices, 5 from district prosecutor's offices, elected by the All-Ukrainian Conference of Prosecutors - AUCEP) and two scholars appointed by the Congress of Representatives of Law Schools and Research Institutions. They serve five-year, non-renewable term. The CoP elects the chair, vice-chair and secretary from among its members. CoP becomes functional upon appointment of nine members.

The AUCEP is the highest body of prosecutorial self-governance and its decisions are binding on the CoP and on all prosecutors. It is competent to appoint members of the HCJ, the CoP and the Qualifications and Disciplinary Commission. Its delegated are elected at the meetings of prosecutors from different levels of prosecution offices (the Evaluation Report, para. 212).

The information on the activities of the Council of Prosecutors of Ukraine, including approved decisions which are reasoned, is published on its official website: https://rpu.gp.gov.ua/ua/krada/normosnovu.html

Operational arrangements in place to avoid an over-concentration of powers include preparation of a decision for the CoP to be adopted by a rapporteur or the secretary of CoP, taking decision in an open vote by a simple majority and the chairperson of CoP having the decisive vote in case of equal number of votes.